University of Alberta

Transgressing the Public/Private Divide: Gay, Lesbian, Bisexual and Transgender Citizenship Claims in Alberta, 1968-1998.

by

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A thesis submitted to the Faculty of Graduate Studies and Research
in partial fulfillment of the requirements for the degree of

Doctor of Philosophy

Political Science

Edmonton, Alberta
Fall, 2006

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Your file Votre référence
ISBN: 978-0-494-22994-1
Our file Notre référence
ISBN: 978-0-494-22994-1

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Abstract

Between 1968 and 1998, citizenship for gay, lesbian, bisexual and transgender people (GLBT) in Alberta was largely defined through the progressive struggle between citizens and the state over the place of GLBT citizenship claims in the public sphere. This study examines four elements of citizenship – political, legal, cultural, and social – to measure how the struggle between activists and the state over GLBT citizenship claims resulted in a shift over time of the rigidly-constructed public/private divide in Alberta. It demonstrates how, beginning in the late 1960s, GLBT people emerged from the private sphere to struggle with the provincial state for their rights and responsibilities in order to become full citizens. The study shows how these struggles shifted GLBT citizenship claims from 'private matters' into recognized public policy issues in the 1970s, 1980s and 1990s. This study also demonstrates how certain political opportunities structured state-activist interactions, and impacted the success or failure of the achievement of GLBT citizenship goals. The study finds that while the political arm of the provincial state consistently resisted the inclusion of GLBT citizenship claims into public policy-formation in Alberta, the bureaucracy and the courts provided openings where public policy could be influenced to address the citizenship goals of GLBT people.

Acknowledgements

I would like to gratefully acknowledge the support and assistance of my supervisor, Linda Trimble, for her guidance and insight throughout the process of completing this dissertation. As well, I would like to thank the other members of my committee, Yasmeen Abu-Laban and Dave Whitson, André Grace and Lisa Young, for their suggestions that served to strengthen my work.

I would also like to thank the interviewees for this study, whose stories – both joyful and painful – informed and enriched the substance of this historical work. In particular I would like to thank Julie Lloyd, whose insights contributed to a stronger and more thoughtful analysis of the subject matter.

I would like to thank the University of Alberta and the Social Sciences and Humanities Research Council for the Dissertation Scholarships that allowed me to carry out this study.

Finally, I would like to thank my spouse and strongest supporter, Miriam Koene. I am tremendously grateful for her support, wisdom, and her belief in my abilities, which sustained me throughout the entire study.

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List of Acronyms

AIDS	Acquired Immune Deficiency Syndrome
AHRC	Alberta Human Rights Commission
ALGRA	Alberta Lesbian and Gay Rights Association
AMA	Alberta Museums Association
ASTA	Alberta Schools Trustees' Association
ATA	Alberta Teachers' Association
CCRF	Canadian Charter of Rights and Freedoms
CLAGPAG	Calgary Lesbian and Gay Political Action Guild
CLGRC	Canadian Lesbian and Gay Rights Coalition
FTM	Female to Male Transsexual
NGEC	National Gay Election Coalition
NGRC	National Gay Rights Coalition
ELGRO	Edmonton Lesbian and Gay Rights Organization
GALA	Gay and Lesbian Awareness
GARD	Gay Association of Red Deer
GATE	Gay Alliance Toward Equality
GLBT	Gay, Lesbian, Bisexual and Transgendered
GPAC	Gay Political Action Committee of Calgary
GIRC	Gay Information and Resource Centre
HIV	Human Immunodeficiency Virus
IRPA	Individual's Rights Protection Act
LOOT	Lesbian Organization of Toronto
MLA	Member of the Legislative Assembly
MTF	Male to Female Transsexual
NSM	New Social Movements
POS	Political Opportunity Structure
PLC	People's Liberation Coalition
RDDM	Red Deer and District Museum
RMT	Resource Mobilization Theory
SHARP	Society Housing Aids Restricted Persons
S & M	Sado-Masochism
SRS	Sex Reassignment Surgery
SSS	Scarth Street Society

INTRODUCTION

In the 1960s, for a man to have sexual relations with a man meant that he was committing a criminal act which was punishable by imprisonment. Both men and women who self-identified as gay or lesbian had few places to socialize, few legal rights, little impact on the political system, and were considered either 'sick' by the medical establishment, or 'sinful' by traditional religious standards. As a result, people who were gay, lesbian, transgender or bisexual kept much of their lives hidden in an attempt to avoid persecution *and* prosecution.

In this dissertation, I document the experiences of gay, lesbian, bisexual and transgender Albertans between 1968 and 1998 to demonstrate the evolution of their citizenship within the province. In this study, I use the concept of citizenship to analyze the claims made by GLBT people over time. In particular, I analyze four elements of citizenship – political, legal, cultural, and social - to measure how the socially-constructed public/private divide has shifted over time to incorporate the citizenship claims of GLBT people.

Beginning in the 1960s, GLBT people emerged from the private sphere to struggle with the provincial state for the rights and responsibilities that would allow them to become full citizens of Alberta. While the political arm of the provincial state resisted the inclusion of GLBT people into public sphere policy-formation, this study shows that over time the bureaucracy and the courts provided openings where public policy could be influenced to be inclusive of their citizenship claims.

I The Research Questions

While conducting research for this study, I was consistently asked "Is there a history of GLBT people in Alberta?" The majority of those with whom I spoke did not believe that there could be any significant history of GLBT people in Alberta. Typically, however, it was persons that did not identify as GLBT who were not aware of the history of GLBT people in the province – demonstrating the degree to which that history has been hidden from public view. Many dismissed the historical possibilities due to their perception of Alberta as a red-neck, right wing province with a very grave intolerance of anyone gay, lesbian, bisexual or transgender. It was thought that GLBT people could not have survived those circumstances, and therefore must not ever have existed in Alberta. These reactions came both from Albertans, and those living in other parts of Canada. During my involvement with the GLBT movement in Edmonton, however, I also discovered that few contemporary gay, lesbian, bisexual and transgender people living in Alberta knew of their own history. And while some longtime activists shared their oral histories[1], there was no written documentation of it. The youth of Alberta did not see their lives reflected in the province's history; moreover, mainstream political discourse often ignored them or shamed them into silence. The impetus for this study, therefore, sprang from the dialectic of silence and shame that kept Albertans from knowing the history of GLBT people within the province.

Three research questions in particular guided this study of GLBT people in Alberta:

- How did the legal, political, social and cultural citizenship of GLBT people in Alberta develop over the thirty years following the decriminalization of homosexuality in Canada?
- How did the struggle between the state and GLBT activists for the inclusion of their citizenship claims in public policy challenge assumptions about the public/private divide and contribute to their status as citizens?
- How did the political opportunity structure in Alberta affect which GLBT citizenship claims made it to the public agenda, and which did not?

These research questions informed the approach, theory and analysis of the study as a whole. Citizenship theory provides one useful approach to categorize and explain the claims for inclusion made by GLBT people over the thirty year time-span studied. As Jane Jenson notes, citizenship is about belonging in community:

> The terms of citizenship are, as we have noted…a mechanism for establishing boundaries, for identifying who is in, *who belongs*, and who has the right to be included. They thereby distinguish those on the inside from the rest, from those who are not citizens, who are excluded, and who do not belong. In a simple but fundamental way, being a citizen means having the rights and responsibilities associated with being a member of a group, a community, or a country.[2]

While citizenship theories can explain who belongs and what rights they are entitled to, theories of citizenship cannot explain why some citizenship claims are allowed onto the public agenda and why some are not. Citizenship theory also does not explain why some claims *succeed* in becoming public policy and why some do not. For that reason, two other theoretical 'pieces' are needed to establish a framework that is useful for explaining both the struggle over the place of GLBT people's interests and identities in the public sphere as well as the circumstances under which those struggles become successful public policy changes. Those theoretical elements include social movement theories and theories of the public/private divide.

Social movement theory analyses are used in this study to explain the legal, social, and political empirical variables in Alberta that both assisted and hindered the emergence and acceptance of GLBT citizenship claims in the public sphere. In particular, theories of political opportunity structure are examined to explain the context for why some GLBT citizenship claims succeed and some do not. Finally, theories of the public/private divide are used to explain how the state structures some citizenship claims onto the public agenda and ensures that other claims remain off of the public agenda. Theories of the public/private divide, therefore, helps to explain how the state to tightly regulates the seclusion of other claims – such as GLBT citizenship claims - into the private sphere.

Taken together, citizenship theory, social movement theory, and theories of the public/private divide provide a useful apparatus for analyzing and explaining GLBT citizenship in Alberta. This combined approach provides the theoretical framework for documenting and analyzing the citizenship development of GLBT people in Alberta over a thirty-year time span. As a result, this study demonstrates that the activism of GLBT people between 1968 and 1998 challenged the firm boundaries constructed by society and the state between what was considered a public issue, and that which was considered a private issue. As well, this study also demonstrates that the successes and failures of GLBT in working toward their citizenship goals have influenced, and have been influenced by the political opportunity structure in Alberta during this time period.

More generally, this study demonstrates that evaluating and combining certain aspects of three theoretical approaches – citizenship theory, social movement theory and theories of the public/private divide – make a significant contribution to the discipline of political science as a whole. As this study will show, the exercise of 'testing' these theoretical approaches on a case study that has never been examined before (e.g. GLBT activism in Alberta) demonstrates the strengths and weaknesses of these approaches. This study also demonstrates the degree to which their application is useful for understanding the generalities and specificities of a particular social movement in a particular province over a finite period of time in history. This study strengthens the argument, therefore, that 'grand theory' in political science is not universally applicable, and that one theory is not sufficient for a full and rich understanding of case studies.

Instead, this study demonstrates that various theoretical approaches should and can be combined according to the case study being analyzed, in order to identify generalities that are useful for comparison with other case studies, while at the same time having the ability to explain the unique aspects or characteristics of a particular case study.

II Methodology

This study examines the citizenship development of GLBT people in Alberta over a thirty-year timespan, 1968 – 1998. This time period was chosen for two primary reasons. The start date of this longitudinal study (1968) was chosen due to the fact that the first recorded public gathering of GLBT people in Alberta occurred that same year. In Calgary, prior to the establishment of a formal meeting place for gays and lesbians, the first large public gathering occurred Hallowe'en night in 1968 at the Highland Golf and Country Club.[3] This gathering was the impetus for the creation of future gay and lesbian gay bars in the city, and the start of the public cultural emergence of GLBT Albertans. The end date (1998) was chosen due to the fact that that was the year that gays and lesbians in Alberta won a monumental legal victory in the Supreme Court of Canada. After twenty years of political activism to try and achieve legal protection for gays and lesbians, that year the Supreme Court decided in *Vriend v. Alberta* that the provincial human rights code in Alberta must include sexual orientation as a prohibited ground of discrimination. The success of this legal victory – as celebrated as it was – marked the end of a chapter of political activism in Alberta. While some political activism and lobbying for GLBT issues did continue in the post-Vriend period, the role of the courts began to rise in prominence, and many activists opted to wait for lawyers to challenge discriminatory provincial laws using the Charter instead of investing significant personal energy into lobbying politicians. The years 1968 and 1998, therefore, provide significant 'bookends' for analyzing a thirty-year period of important and decisive cultural, social, legal and political changes for GLBT people in Albera.

The desire to study GLBT citizenship at the provincial level came from my belief that many of the cultural, social, political and legal elements of citizenship are fundamentally affected by provincial states in Canada. A vast number of public policy decisions are made at the provincial level affecting health and welfare, culture, political participation and legal protection of citizens. In Canada, very few studies have examined citizenship at the provincial level[4] and no study has examined these relationships in Alberta.

In my view, focusing solely on a case study of the province of Alberta allows for a more in-depth, richer analysis of the relationships between the GLBT movement and the provincial state than a comparative study of provinces would have allowed for. The analytical benefits of examining a single case study are outlined below by Dietrich Reuschemeyer:

> Th[e] impact of a single case analysis is strengthened by the fact that for one (or a few) cases is it possible to match analytic intent and empirical observations much more precisely than in an analysis covering many cases with the help of standardized indicators. Case-centred research can examine the particular context of seemingly simple facts and take into account that their analytic meaning often depends on that historic context.[5]

Documenting the citizenship development of GLBT Albertans *properly*, therefore, requires that I approach the subject longitudinally in order to develop an in-depth analysis over time. Focusing on the one province allows me to examine a broader range of research material and data in a much more detailed analysis than would have been possible in a comparative study. The case-study narrative and analysis provided here follows the process of "descriptive inference – using observations from the world to learn about other unobserved facts" and "causal inference – the process by which one learns about causal effects from the data observed"[6] – defined by Gary King, Robert Keohane and Sidney Verba:

> Since states and other actors seek to anticipate and counter others' actions, causality is often difficult to establish, and expectations may play as important a part as observed actions in accounting for state behaviour. A purported explanation of some aspect of world politics that assumes the absence of strategic interaction and anticipated reactions will be much less useful than a careful description that focuses on events that we have reason to believe are important and interconnected. Good description is better than bad explanation...One of the often overlooked advantages of the in-depth case-study method is that the development of good causal hypotheses is complementary to good description rather than competitive with it.[7]

This study, therefore, uses an in-depth case study method to provide a careful description and analysis of thirty years of historical events. This methodological approach enriches the study of political science by highlighting the extent and value of a citizenship regime at the provincial level, and demonstrating the beneficial explanatory value of a longitudinal case study focused solely on one province.

In order to develop a broad, longitudinal picture of the history of citizenship development in Alberta for GLBT people, three primary research methods were used: archival research, media analysis and personal interviews. First, archival research was conducted in order to gather relevant data concerning the identification of GLBT citizenship claims and the interactions of GLBT activists and the provincial state, and second, to substantiate data gathered by personal interviews and media analyses. Research was conducted at four main archives in Alberta: 1) the Gay and Lesbian Archives at the City of Edmonton Archives; 2) the Doug Young Fonds at the Glenbow Museum in Calgary, 3) The Red Deer and District Museum, and; 4) the Alberta Provincial Archives. The majority of my archival research was conducted at the Gay and Lesbian Archives in Edmonton, which has a large holding of Alberta GLBT organizational history, including: correspondence, constitutions and bylaws, minutes of meetings, conference proceedings, newsletters, budgets, news clippings, reports, position papers, press releases, presentations to government committees, photographs, historical buttons, posters and pamphlets, and information on workshops and special events. Research was also conducted at the Red Deer and District Museum and Archives, which contained files from the research project "Gay and Lesbian Life in Alberta", as well as local news clippings on GLBT issues. I also examined the Doug Young Fonds at the Glenbow Museum in Calgary, which holds the personal papers (including correspondence, notes, news clippings and position papers) of Doug Young, a Calgarian who founded many of the gay and lesbian organizations in that city between 1977 to 1985.[8]

Research was also conducted into the files held at the Edmonton Gay and Lesbian Community Centre, as well as the Gay and Lesbian Community Services Association of Calgary. As well, a search of the holdings at the Canadian Gay and Lesbian Archives in Toronto was also conducted, as was research into historical citizenship bills (1940-2000) at the Alberta Legislative Assembly.

Interviews constituted the second major research method for this study. Personal interviews[9] were conducted with twenty-three individuals who were involved in GLBT issues in Alberta between 1968 and 1998.[10] Interviewees were identified through media analyses, personal contacts and references from activists in the GLBT communities in Edmonton, Calgary, Red Deer, Lethbridge and Grande Prairie. Interviews were conducted primarily to gather first-hand evidence about GLBT movement interactions with the provincial state, and secondly to corroborate the data collected from media and archival research.

Of those interviewed, eight individuals identified as gay, eight as lesbian, two as bisexual, three as transgender and two as heterosexual. The first generation of activists began their activism in the 1970s, including Mair Smith, Barry Breau and Stephen Lock. Barry Breau became active with the Gay Alliance Toward Equality in Edmonton, while Mair Smith was active in women's organizations such as Every Woman's Place. In Calgary, Stephen Lock began his activism with the Gay Information and Resource Centre in Calgary at the same time. The majority of second generation activists emerged in the 1980s, and included interviewees Michael Phair, Liz Massiah, Darrin Hagin, and Dr. Lorne Warneke in Edmonton, and Richard Gregory, Christine Baker and Nancy Miller in Calgary. In other parts of the province during the 1980s, activists such as Pam Krause mobilized in Red Deer, as did Gordon Pellerin in Grande Prairie. Finally, a third generation of activists became publicly active in Lethbridge, Edmonton, Calgary, and Grande Prairie in the 1990s, including Julie Lloyd, Murray Billett, Gloria Filax, Catherine Gutwin, Tanya Wald, and Dayna Daniels. Two GLBT 'allies' were also interviewed for this study. Officials from the Red Deer and District Museum and Archives, Wendy Martindale and Val Miller, were interviewed to provide insight into the conflict between the Museum and the provincial government concerning the Alberta Museum Association grant to study gay life in Alberta. Each of the twenty-three interviewees provided significant insight into the citizenship development of GLBT people in Alberta over the thirty year time span studied.

Finally, the third research method used was media analysis. In this study, I analyze mainstream and GLBT media to gather relevant historical data and to corroborate the evidence provided by GLBT activists and archival research. The mainstream media studied include the *Edmonton Journal* (1974-2000), the *Calgary Herald* (1981 - 2000), the *Red Deer Advocate* (1990-1999), the *Medicine Hat News*, and a 1981 CBC Edmonton documentary entitled *The Gay Straight Jacket*. I also examined 19 years (1981-2000) of *Alberta Report*, a conservative provincial newsmagazine that reported on GLBT issues more consistently and in far more depth than any other non-GLBT news source in the province.[11]

The media analysis for this study also included the GLBT alternative press, such as national newspapers *The Body Politic* and prairie newspapers such as *Perceptions: The Gay and Lesbian Newsmagazine of the Prairie*. I also examined provincial newspapers such as the *Alberta Whisperer* and local newspapers and newsletters such as *Fine Print, V.I.P. News*, and *Times.10*, *Gay Horizons*, *The Gay Gleaner* and *Broach*. Newsletters and pamphlets for national organizations such as the National Gay Election Coalition and the Canadian Lesbian and Gay Rights Coalition were also analyzed, as well as those produced by provincial organizations such Dignity Alberta, Affirm United and the Alberta Lesbian and Gay Rights Association. Finally, newsletters and pamphlets produced by local organizations such Gay Alliance Toward Equality (GATE) Edmonton, Dignity Edmonton, Dignity Calgary, the Imperial Court of the Wild Rose, the Gay and Lesbian Alliance of Lethbridge and Area, Gay Calgary, the Gay Association of Red Deer, Gay Moods, the AIDS Network of Edmonton, the Gay and Lesbian Community Centre of Edmonton, Gays and Lesbians on Campus, the Gay and Lesbian Awareness Committee of Central Alberta, Gay and Lesbian Awareness, Gay Information and Resources Calgary, the Edmonton and Calgary Right to Privacy Committees, the Gay Political Action Committee of Calgary, the Calgary Police Liason Committee, Womonspace, and the Calgary Lesbian and Gay Political Action Guild were also examined.

III Outline of Chapters

The following study is structured into six main chapters. The first two chapters examine the theoretical framework for the study. Chapter One analyzes existing citizenship theories as well as theories of the public/private divide. Chapter Two examines social movement theories and theories of political opportunity structure, and discusses their application to the political, social and legal environment in Alberta for GLBT activists. Chapters Three to Five examines the empirical development of four elements of citizenship – cultural, social, legal and political factors - for GLBT people in Alberta over a thirty year time span. The conclusion outlines the many theoretical and empirical findings relevant for social movement organizing and substantive citizenship for GLBT people today.

Chapter One examines Canadian and comparative theories of citizenship and argues that the majority of theories are not sufficient for fully analyzing GLBT citizenship claims. Chapter One also draws upon feminist and GLBT critiques of the public/private divide, to explain how the state structures some citizenship claims onto the public agenda and how this framework allows the state to tightly regulate the seclusion of other claims into the private sphere. Chapter One also examines how the ideal of the impartial state has been used to justify *not* granting citizenship claims for GLBT people. Theories of political opportunity structure (POS) are also examined in Chapter One, to explain how the presence of certain variables created opportunities for the acceptance of some GLBT citizenship claims onto the public agenda, while others were actively rejected. As well, theories of POS are also used to identify the impact of social movement actors on a state's decision-making functions.

Chapter Two applies social movement theories and specifically theories of political opportunity structure to the provincial state and the GLBT movement in Alberta. In particular, POS theories are used to explain the legal, social, and political empirical variables in Alberta that both assisted and hindered the emergence and acceptance of GLBT citizenship claims in the public sphere. Finally, the theories of cultural framing are added to a POS approach, to explain how both the state and social movement actors struggled to socially construct the meaning of certain GLBT citizenship claims.

Chapter Three examines the cultural aspects of GLBT citizenship in Alberta. This chapter documents how GLBT cultures have operated as terrains of struggle between citizens and the state over the dividing line for the public and private spheres. Four case studies in Alberta are examined in this chapter to demonstrate the consistent emergence of GLBT culture from an underground phenomenon in the 1960s to a state-funded public sphere activity in the 1990s. The case studies include: the establishment of gay bars and the Imperial Courts in the 1960s and 1970s; struggles over gay cruising and 'public' spaces in the 1980s; the emergence of gay pride festivities in the 1980s and 1990s; and, censorship and artistic expressions of gay and lesbian sexuality in the 1990s. Taken in sequence, these case studies demonstrate an ever-shifting boundary toward public inclusion of GLBT cultural practices in Alberta over time.

Chapter Four examines social welfare support for GLBT people as an element of citizenship. In this chapter, the provision of social services in Alberta is examined over time to determine how well certain social policies have accommodated the needs of GLBT citizens. In this chapter three case studies in social policy are examined: 1) medical and social assistance for persons with HIV/AIDS in the 1980s; 2) provincial health coverage for sex-reassignment surgeries for transgender Albertans in the 1980s and 1990s; and, 3) the struggle for inclusion of lesbian foster parenting in child welfare services in the 1990s. This chapter demonstrates how the struggle between GLBT activists, the provincial bureaucracy and elected representatives of the Alberta legislature re-formulated social welfare provision in Alberta, thereby shifting the public/private divide to be more inclusive of GLBT peoples.

Chapter Five examines GLBT citizenship in Alberta from the perspective of legal rights. This chapter outlines a brief history of the legal changes in the 1960s in Canada and in Alberta that paved the way for the emergence of gay and lesbian anti-discrimination protection. In this chapter, the emergence of political GLBT advocacy groups is documented, as are their struggles for anti-discrimination protection in the 1970s, 1980s, and 1990s. This chapter demonstrates that the struggle for inclusion of sexual orientation in the *Individual's Rights Protection Act* (IRPA) in effect became a struggle over which arm of the state - the legislature, the bureaucracy or the courts - possessed the authority to grant or deny state protection from discrimination on the basis of a particular identity. It also argues that the struggle over the inclusion of sexual orientation into the IRPA served to bring discrimination against gays and lesbians out of the closet and into the public sphere, thereby challenging the artificial division between the public and private spheres.

The conclusion draws upon observations made in each chapter, and discusses the contributions of this study to political science as a discipline. The conclusion also discusses the contributions of this study to citizenship theory, social movement theory, and theories of the public/private divide. This chapter concludes with an analysis of the impact of thirty years of activism on the GLBT social movement in Alberta.

Notes to Introduction

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[1] Michael Phair, for example, has often given talks during the annual Edmonton Gay Pride Week about his role in the 1981 Pisces Bathhouse Raid.

[2] Jane Jenson (2001). *Building Citizenship: Governance and Service Provision in Canada*. Ottawa: Canadian Policy Research Networks, p. 4

[3] "A Brief History of Gays in Alberta" *Broach*, November, 1985, p. 3.

[4] One study that does examine citizenship at the provincial level is Pauline Rankin's (1996) *Experience, opportunity and the politics of place: a comparative analysis of provincial and territorial women's movements in Canada*. Ottawa: Ph.D. dissertation, Department of Political Science, Carleton University.

[5] Dietrich Reuschemeyer (1991). "Different Methods – Contradictory Results? Research on Development and Democracy", *International Journal of Comparative Sociology*, XXXII, No.1-2, p. 9-38.

[6] Ibid, p. 8.

[7] Gary King, Robert Keohane and Sidney Verba (1994). Designing Social Inquiry: Scientific Inference in Qualitative Research. Princeton: Princeton University Press, p. 44-45.

[8] Doug Young assisted in the formation of Gay Fathers, a Gay Youth group, Gay Academic Union, Camp 181, Front Runners, Apollo, Aids Calgary, GALLOC, New Horizons, the Gay Association of Red Deer, the Gay and Lesbian Police Liason Committee, the Gay Information and Resource Centre, and was also involved with many other organizations in Calgary.

[9] In some cases where personal contact was not possible, telephone interviews were conducted.

[10] Please see Appendix One for a complete list of interviewees.

[11] See Gloria Filax (2002). *Queer Youth and Strange Representations in the Province of the "Severely Normal"*. Ph.D. Thesis, Dept. of Educational Policy Studies, University of Alberta for a discussion of the portrayal of gays and lesbians in *Alberta Report*.

CHAPTER ONE

Theories of Citizenship and GLBT People

I Introduction

Citizenship is one of the fundamental ways in which people announce their identity and make claims upon their respective states to ensure their protection, survival and well-being. It is an important way to *belong*. Without citizenship, individuals are considered stateless and are therefore not assured of the supports and stability that can accompany the formal recognition of citizenship. There are, however, identifiable disadvantaged groups within western liberal democracies that hold *formal citizenship* and yet are in reality denied *substantive citizenship*. Substantive citizenship places a requirement on the state to secure equality for its citizens – to strive to ensure not only that citizens have formal citizenship rights, but also that the circumstances are established such that people are capable of fully exercising their citizenship rights. Substantive citizenship does not necessarily require the state to treat all of its citizens exactly the same, nor does it require all of its citizens to behave the same or make the same demands upon the state in order to experience full citizenship.[1] Rather, substantive citizenship allows historically disadvantaged groups to bring their identities and interests into the public sphere and make claims upon the state that stem from those identities. People of colour, people with disabilities, women, the poor, Aboriginal people, and members of the GLBT community (gay men, lesbians, bisexuals, and transgender people) constitute some of those groups who have historically and consistently been denied substantive citizenship in western liberal democracies. It is for these and other disadvantaged groups that substantive citizenship holds its true promise for equality and full participation.

In this chapter, I examine the origins of modern citizenship theory and evaluate some of the main theories developed to describe Canadian citizenship. I argue that, taken alone, these theories of citizenship are not sufficient for explaining the process that GLBT people have undertaken in trying to achieve full citizenship, nor the actual substance of GLBT citizenship claims in Alberta between 1968 and 1998. As a result, I explore how theories of political opportunity structure and theories of the public/private divide can help to explain the evolution of GLBT citizenship claims in Alberta at this time. Before analyzing these theories, however, I will first examine some of the main theoretical approaches that have been used to study GLBT organizing in Canada.

II Surveying the Terrain: Analytical Approaches to GLBT Organizing in Canada

Actions taken by gay, lesbian, bisexual and transgender people to obtain full citizenship in Canada have typically been studied through three main theoretical approaches: 1)social movement theory; 2) historical analysis (both historical materialist and documentary); and 3), the evolution of gay and lesbian litigation since the inception of the *Canadian Charter of Rights and Freedoms*. These studies have made excellent contributions to the field of gay and lesbian studies in Canada. In particular, they have contributed to the developing awareness that a rich history of GLBT people in Canada exists.

Methodologically, most studies on GLBT activism have been conducted at the national level, attempting to make generalizations and observations about the national Canadian gay and lesbian movement as a whole.[2] The approach has been useful in that it has provided a broad overview of some of the main turning historical turning points in gay and lesbian history in major centres across Canada. Studying GLBT citizenship and activism at the provincial level will, therefore, contribute to this history by providing a more in-depth analysis than a nation-wide study can provide.

The most comprehensive national study performed to date is Miriam Smith's *Lesbian and Gay Rights in Canada: Social Movements and Equality Seeking, 1971-1995.*[3] Smith uses social movement theory to explain the development of the gay and lesbian movement before and after the implementation of the *Canadian Charter of Rights and Freedoms*. In particular, Smith uses resource mobilization theory to examine the evolution of the movement during a twenty-five year time span. She examines how this movement was influenced by the introduction of the *Charter of Rights and Freedoms* in 1982, and concludes that the movement has become much more litigious in seeking rights claims, as a result. In this analysis, Smith focuses mainly on the equality seeking aspects of the movement (both pre- and post-Charter), exploring how the context and the meaning of their claims changed over time.[4] Smith's study primarily focuses on the legal aspects of citizenship, the political activity of those involved in movement activities, and the cultural meaning of their political activism. Her study does not, however, examine specific social or cultural public policy issues. And as this study shows, while litigation and legal equality status are essential elements of citizenship, taken alone they form only one component of citizenship.

Other studies by David Rayside examine some of the struggles of gays and lesbians in the United States, Canada and Britian.[5] In his book *On the Fringe: Gays and Lesbians in Politics*, for example, Rayside looks at the successful efforts to change the Canadian Human Rights Act in 1995, and also the unsuccessful Ontario struggle to gain same-sex benefits in 1994. Rayside's study is useful in that it demonstrates that citizenship is usually fought for - it is not often 'granted' easily. His research provides historical documentation concerning each of these struggles, and the roles that individuals play in promoting social change. His study does not, however, contribute substantially to the theoretical understanding of citizenship development for GLBT people in Canada.

Much of the Canadian literature on the gay and lesbian movement focuses on legal developments. Since the inception of the *Charter of Rights and Freedoms*, many of the gay and lesbian equality struggles have taken place in the courts. Kathleen Lahey's book *Are We 'Persons' Yet?* documents the treatment of gay and lesbian people under Canadian law, especially concerning the developments since the Charter came into force in 1985.[6] Similarly, Didi Herman's *Rights of Passage: Struggles for Lesbian and Gay Legal Equality* analyzes gay rights litigation in the 1980s and 1990s to explore how ideology, the make-up of the judiciary, and the Christian Right have shaped the legal construction of gay and lesbian sexuality.[7] Bruce MacDougall's *Queer Judgements: Homosexuality, Expression, and the Courts in Canada* looks at the decisions made by the courts in Canada from 1960-1997 and their attitudes toward homosexuality, and documents the persistence of negative stereotypes in judicial decision-making with respect to gay and lesbian people.[8] The proliferation of these legal studies demonstrates that many GLBT people have opted to use litigation strategies as a method of achieving social change, in response to the staunch historical refusal of the majority of Canadian legislatures to deal with their legal, political and social oppression. Examining the legal citizenship developments of GLBT people is a limited approach, however. While the importance of obtaining legal recognition cannot be overstated, it cannot explain how or whether GLBT people experience social, cultural, political and legal acceptance and belonging in their daily lives. Achieving legal recognition is valuable, but not if it does not translate into safety, belonging and the ability to participate in one's own community on an ongoing basis.

Historical analysis of the gay and lesbian movement in Canada is another approach to documenting GLBT activism in Canada. One of the earliest historical studies entitled *A Not So Gay World: Homosexuality in Canada*, by Marion Foster and Kent Murray was published in 1972.[9] In this book, the authors anonymously interviewed numerous gays and lesbians in Canada and documented some of the earliest gay bars and homophile organizations in Canada. Much of their research was done in Toronto, and included a brief analysis of "Canada West" and "Canada East". History was also recorded by Donald McLeod, a staff member of the Canadian Gay and Lesbian Archives located in Toronto, who wrote *Lesbian and Gay Liberation in Canada*. The book provides a selected anthology of gay and lesbian organizing between 1964 and 1975.[10] McLeod's work gives us a snapshot of some of the important developments for gay and lesbian citizenship across Canada, but does not provide an overall analysis of these developments. The most comprehensive historical work to date is Gary Kinsman's *The Regulation of Desire: Sexuality in Canada*.[11] From a Marxist historical materialist perspective, Kinsman traces the history of gays and lesbians in Canada from the time of settler contact and colonization of Aboriginal peoples, through to the 1980s. In this book, Kinsman argues that the contradictory development of patriarchal capitalist society in Canada has both facilitated and contained the possibilities for same-sex erotic cultures. While Kinsman's work is groundbreaking, the breadth of the topic allows for little diversity to surface, as *The Regulation of Desire* was particularly focused on the lives of gay men, who were most visibly active in the gay and lesbian movement.

The involvement of lesbians in the early gay and lesbian movement has been less documented and more difficult to find. Because lesbian sexual acts were never specifically defined as illegal in Canada, lesbians have faced less prosecution than gay men as a result of their sexuality, and have historically had less of an appearance in the 'public sphere'. Many lesbians who were politically active did so in the women's movement rather than the gay and lesbian movement - thus narrowing the number of women available to mobilize for gay and lesbian causes.[12] Nevertheless, a few histories of lesbian activism have emerged. *The House That Jill Built: A Lesbian Nation in Formation* by Becki Ross documents the activities of the lesbian-feminist collective LOOT (Lesbian Organization of Toronto) in the 1970s, and analyzed the politics of identity and lesbian-feminist activism during this time.[13] Similarly, Sharon Dale Stone's edited book *Lesbians in Canada* provided various case-studies of lesbian organizing in individual communities across Canada.[14] The women's studies text *Feminist Organizing for Change: The Contemporary Women's movement in Canada* by Nancy Adamson, Linda Briskin and Margaret McPhail also incorporates some elements of lesbian-feminist organizing into their analysis of socialist-feminism in Canada.[15] While each of these books documents lesbian-feminist activism in Canada, their analysis of the place of lesbians within the broader Canadian gay and lesbian movement is limited or non-existent. More particularly, these studies do not contribute greatly to the development of inclusive theories of citizenship.

In general, the approaches used to date (social movement analyses, historical method, and litigation analyses) have made valuable contributions to GLBT studies in Canada, but I argue that they have not contributed specifically to an understanding of GLBT citizenship. Often, these studies are too limited in their theoretical analyses, and at the same time often too broad their methodological approach. The studies to date singularly examine either the legal developments *or* political developments for gays and lesbians in Canada, without considering the broader theoretical implications for citizenship theory. Moreover, most of these studies do not examine the combined roles of gay men, lesbians, bisexual and transgender people, and instead tend to examine the roles of either gay men or lesbians. The absence of both bisexual and transgender people is indicative of at least two factors. First, formal organizing by bisexual and transgender peoples emerged much later than that of gays and lesbians. While gays and lesbians were actively organizing in the 1970s, organizing by bisexual and transgender people did not begin until the 1980s and became more apparent in the 1990s. Second, the bisexual and transgender people that were involved in the earlier gay and lesbian movement may not have identified as such due to discrimination against these groups within the gay and lesbian, and larger, communities. None of the above-noted approaches, therefore, are sufficient for documenting and developing a citizenship theory that is inclusive of gay, lesbian, bisexual and transgender people.

As demonstrated above, the terrain of literature on GLBT political organizing in Canada - historical and contemporary - is somewhat sparse and theoretically undeveloped. The intention of this dissertation, therefore, is to contribute a longitudinal perspective on the development of GLBT citizenship. Limiting my study to a single province - Alberta - also makes it possible to expand the breadth of study. This study investigates citizenship, broadly understood, and looks at social, political, legal, and cultural developments. Moreover generally, this case study of Alberta will also enrich the theoretical concept of citizenship in the Canadian context.

In the next section, I examine the mainstream literature of theories of citizenship in Canada. I argue that while this literature has been useful for explaining certain territorially-based citizenship identities in Canada, it is insufficient for capturing the citizenship experiences and claims of GLBT people. Existing theories of citizenship in Canada are often either too narrow in focus, or have not incorporated the diverse sexual and gender identities of GLBT peoples whatsoever.

III Who is a Citizen and What are their Entitlements?

T.H. Marshall and the Rights of Modern Citizenship

One of the main pillars of citizenship in western-developed countries has been individual rights. British theorist T.H. Marshall first developed the concept of citizenship in post-World War II England to describe the evolving civil, political and social rights of citizens in England in the 18th, 19th and 20th centuries, respectively.[16] According to Marshall, civil rights included freedom of the person, of speech, thought, faith, the right to own property and engage in contracts, and the right to justice. Political rights included the right to participate in political decision-making, either through the franchise or in elected bodies. Finally, social rights included to the right to economic welfare, security and the ability to live according to the prevailing societal standards. [17] According to Marshall, citizenship was defined as such:

> Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. There is no universal principle that determines what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and towards which aspiration can be directed. The urge forward along the path thus plotted is an urge towards a fuller measure of equality, an enrichment of the stuff of which the status is made and an increase in the number of those on whom the status is bestowed.[18]

For Marshall, therefore, citizenship was a status bestowed to an individual by the state; a linear progression toward full participation in a democratic society.

Scholars have since critiqued Marshall's categories, as well as his developmental ideals, noting that many marginalized people - women, people of colour, people with disabilities, Aboriginal people, and the poor - have never been full participants in these citizenship rights.[19] Even after some groups of citizens achieved formal citizenship rights, such as the franchise, their citizenship was still not substantive. For example, voting and running for office are two activities that have traditionally encompassed political citizenship. In Canada, while historically many GLBT people were eligible to vote provincially and federally[20], *out* GLBT people did not exist in the provincial legislative assembly, in city councils, or on local school boards. Thus, while GLBT people had "formal" citizenship, they were circumscribed from engaging in substantive citizenship, as described by Roger Brubaker:

> That which constitutes citizenship - the array of rights or the pattern of participation - is not necessarily tied to formal state-membership. Formal citizenship is neither a sufficient nor a necessary condition for substantive citizenship…one can possess formal state-membership yet be excluded (in law or in fact) from certain political, civil, or social rights, or from effective participation in the business of rule in a variety of settings…[21]

GLBT people were severely limited, therefore, in their ability to participate in public policy decision-making, unless they kept their sexual orientation closeted, or in the case of transgender people, their gender identities.

Even though problems exist with Marshall's theory of citizenship, it is still useful for analyzing GLBT citizenship because it demonstrates that the state has an obligation to implement and then to protect legal, political and social rights. Moreover, the categories used by Marshall – social, political and legal – are a good starting point to identify what should be included in the *substance* of rights for citizens.

Two additional components can be added to Marshall's theory of citizenship to improve its usefulness for analyzing GLBT citizenship. The first component is the addition of culture as a right of citizenship. Will Kymlicka and Wayne Norman argue that cultural rights have now become a very important component to the liberal-democratic understanding of citizenship:

> ...[T]here is also a growing awareness of the importance of certain interests that had typically been ignored by liberal theories of justice; e.g. interests in recognition, identity, language, and cultural membership. If these interests are ignored or trivialized by the state, then people will feel harmed – and indeed will be harmed – even if their civil, political, and welfare rights are respected. If state institutions fail to recognize and respect people's culture and identity, the result can be serious damage to people's self-respect and sense of agency.[22]

In their book *Citizenship and Diverse Societies*, Kymlicka and Norman examine the interests and cultural rights claims of multicultural ethnic communities. They argue that the claims of ethnic communities must be evaluated by western liberal-democracies and weighed for their social implications on (majoritarian) citizenship rights. Their analysis does not, however, recognize group-based cultural rights claims other than those of ethnic communities; in other words, claims for cultural rights made by GLBT are not included in this analysis. Nevertheless, what is useful about Kymlicka and Norman's approach is that it broadens the traditional understanding of citizenship to be inclusive of cultural rights – claims that are extremely important to any concept of GLBT citizenship.

Writing about the development of gay culture in the United States, Michael Bronski argues that public acceptance of gay and lesbian culture is necessary for full citizenship:

> Citizenship is gained – slowly, painstakingly, sometimes hardly at all – by an aggregate of political and cultural initiatives…Gay people, however, are in a unique position in their struggle for freedom and full citizenship. Gay culture was often accepted and welcomed by mainstream culture as long as it was not labelled as such. When gay men and lesbians refused to hide their identity and sexuality and demanded equal rights, this social acceptance was threatened. To speak openly about gay lives and culture – to politicize them – threatens the unspoken truce between the dominant culture and gay culture.[23]

For GLBT people, the attainment of substantive citizenship is intricately tied to the recognition of GLBT culture. The establishment and proliferation of GLBT culture has been integral to the subsequent development of other aspects of GLBT citizenship – political and legal in particular. The coming together of GLBT people in gay cultural and social spaces has been the catalyst for creating the opportunities for GLBT political organizing and legal challenges. In order for full formal and substantive citizenship to be obtained for GLBT people, therefore, GLBT culture needs to be recognized as a valid cornerstone of that citizenship. To fully explain the contributions of GLBT people to citizenship theory, therefore, an analysis of culture as an element of citizenship is necessary and will be elaborated on below and in Chapter Three.

A second component must also be added to Marshall's understanding of citizenship to broaden any application to GLBT people. Primarily, Marshall's argument that citizenship is a fixed status has been challenged by numerous theorists such as Bryan Turner, Ruth Lister, Daiva Stasiulis, and Janine Brodie. They have all argued that citizenship must not be viewed as a static entity bestowed from above; instead, these authors argue that citizenship should be conceptualized as a site of contest. British sociologist Bryan Turner, for example, defines citizenship as a set of practices that connote "a dynamic social construction of citizenship which changes historically as a consequence of political struggles". [24] Similarly, British political theorist and feminist Ruth Lister conceptualizes citizenship as both a status and a practice:

> Citizenship is understood as both a status, carrying a set of rights including social and reproductive rights, and a practice, involving political participation broadly defined so as to include the kind of informal politics in which women are more likely to engage. The relationship between the two elements is a dynamic one which is fired by the notion of human agency.[25]

Understanding citizenship as a practice or an activity allows us to step out of the constraint of defining citizenship only in terms of rights. Moreover, it also re-defines the concept of citizenship as something that is developed in partnership with the state and community, through struggle and agency, and not just as a status granted 'from above'.

This study, therefore, conceptualizes citizenship as a site of active political struggle *as well as* a set of substantive political, civil, social and cultural rights. As a result, this study focuses on the political struggles engaged in by GLBT people, their allies and the provincial state with respect to civil rights, social rights and cultural rights for GLBT people. This study does not, however, examine formal political activity – such as running for office or the voting patterns of GLBT people – typically associated with formal political rights, given the absence of self-identified GLBT people in the formal public sphere. Instead, each of the citizenship struggles over social, civil and cultural rights is conceptualized as political activity and participation in and of itself, as defined by Lister above. In this manner, informal political activity is understood to be as valuable as formal political activity in terms of citizenship engagement.

The next section evaluates how theories of Canadian citizenship have addressed diverse citizenship claims. In particular, it examines whether theories of Canadian citizenship are able to incorporate the sexual and gender-identity based claims of GLBT people – and concludes that they cannot.

Diversity and Canadian Theories of Citizenship

It is widely accepted that diversity is part and parcel of the ideals of Canadian citizenship.[26] Group-based identities, such as territorial, national or specifically-defined cultural identities have been widely acknowledged in the Canadian literature on citizenship. Not included in these analyses, however, are often the identity-based concerns of women, the poor, people with disabilities, and GLBT people. Those whose identities that do not fall into traditional understandings of group-based diversity (territorial, nationalist or cultural) are therefore excluded. Instead, their citizenship claims are siphoned off into the category of "individual rights", and are not understood as having as much of an entitlement to inclusion, participation, and recognition within the broader category of citizenship.

If citizenship in Canada is understood as a particular question of territorial and cultural diversity, then federalism has been the structure used to represent those identities. Federalism has often been viewed as the framework through which to balance the competing identities of the national and provincial states, as described by Alan Cairns: "The perennial, historically-informed federalism controversy, was over how we should handle co-existing Canadian and provincial definitions of identity and community".[27] Federalism, based upon territorially-defined identities, is the method through which the federal and provincial (or territorial) governments negotiate with each other to represent the issues, concerns and identities of their constituents. As Richard Simeon and Ian Robinson note, however, federalism tends to "'organize' territorial issues into Canadian politics, and to organize other issues out".[28] Feminist citizenship theorists have also argued that the territorial basis of federalism -

executive federalism in particular - has prevented women's citizenship issues from being allowed onto the public agenda.[29] The closed door approach to citizenship decision-making of the First Ministers' Conferences, for example, and the image of eleven white, heterosexual, able-bodied male Ministers deciding the fate of the nation has been critiqued for not including the interests of disenfranchised 'others'.[30] Until very recently, GLBT people in particular have not been given space within the context of federalism; rather, more often than not, their identities were driven from the public agenda to the 'private sphere' of the bedroom.

Citizenship diversity in Canada has also included diverse nationalisms – such as pan-Canadian nationalism, Franco-Quebec nationalism and Aboriginal nationalisms. The place of Quebeçois/Quebeçoise culture and language within the federation has, for example, been debated since the beginning of confederation[31], and, in the last fifteen years, Aboriginal nationalisms have become much more visible upon the public agenda, most specifically during the 1992 referendum on self-government in the Charlottetown Accord. In the 1990s, a 'three-nations' view of the Canadian federation emerged, in which academics questioned how to accommodate the diversity of these cultures and nations amidst a federal political system that often privileged the 10 provinces and one national culture.[32]

More recently, other group-based cultural challenges posed to Canada and other western nation-states by immigrant communities have been analyzed and conceptualized as 'valid' group-based citizenship claims by Canadian theorists.[33] Political theorist Charles Taylor, for example, examines the ways that political challenges posed by national and cultural minorities are handled by nation-states. He argues that historically, nation-states have responded to their challenges either through ethnic cleansing[34], through attempting to mould their citizens into a single political ideal of citizenship[35], or by establishing a procedural republic, whereby cultural differences are subsumed by the liberal conception of individual rights and legal procedures.[36] In each of these challenges, the challengers are conceptualized as a discernible cultural group - such as immigrant Muslims in France, or Hispanics in the United States.[37]

The concepts of citizenship by mainstream Canadian political scientists outlined above cannot explain or analyze citizenship for GLBT people. The theoretical frameworks are often singularly focused on the political participation of citizens,[38] or on citizen entitlements in the welfare state,[39] or the implications of competing cultures within a singular state[40]. This specificity to one realm of citizenship, therefore, does not capture the broader analysis that I am seeking - namely, one that encapsulates the cultural, political, social and legal elements of citizenship. Second, and more importantly, while some Canadian citizenship theories have included certain diverse identities, they have not included the gender and sexuality based identities of gay, lesbian, bisexual and transgender people.

From an individual rights perspective, the introduction of the *Canadian Charter of Rights and Freedoms* into the Canadian Constitution in 1982 required that public-sphere decision-makers acknowledge the ways in which public policy affected diverse citizens in Canada. The *Charter* enabled citizens who faced discrimination by their governments to challenge their powers and limit the effects of their policies. It also allowed many citizens - women, people with disabilities, and GLBT people - to challenge the exclusion of their interests and identities in some aspects of executive federalism. The *Charter* has indeed offered support for disenfranchised citizens and their identities - so much so that a debate has emerged over which institutions are best suited to determine public policy and its effects on the status of citizens[41] - the judiciary or elected officials.

Other authors argue that the introduction of the *Charter* created rights-seeking citizens who demand 'special citizenship rights' that diverge from, and may in fact be in conflict with the interests of the majoritarian community.[42] For example, Rainer Knopff and F.L. Morton argue that equality seekers in Canada who have pressed their causes in court (defined as “the Court Party”), have disrupted democratic processes, thereby creating a Charter Revolution:

> ...We have made no attempt to hide our opposition to both the Charter Revolution and the Court Party...Our primary objection to the Charter Revolution is that it is deeply and fundamentally undemocratic, not just in the simple and obvious sense of being anti-majoritarian, but also in the more serious sense of eroding the habits and temperament of representative democracy.[43]

These theorists, therefore, reject the inclusion of non-territorial identities in the concept of citizenship, unless the identity can be funneled into a broader identity and represented by their elected representative as an Albertan, a Nova Scotian, or as a Canadian.

Some authors argue that the *Charter* has resulted in a unified pan-Canadian identity, displacing other long-standing group-based identities. For example, Rocher and Field argue that the *Charter* displaced federalism as the proper method of accommodating diversity in Canada:

> Over the last three decades, with the introduction of the Charter, a number of Canadianizing policies and accompanying changes in the political culture, there has been a shift towards a pan-Canadian citizenship. The imposition of this unified national identity (or universal citizenship) undermines a fundamental aspect of federalism: respect for diversity...This is reflected in demands for identical treatment of provinces and individuals that not only prevent any kind of recognition for Quebec or any other nationalism, but also explain the current constitutional crisis.[44]

Rocher and Field argue that the *Charter* has reinforced an identity of pan-Canadian 'sameness', by providing a national symbol for rights-seeking citizens (including gays and lesbians).[45] As a result, they argue that Quebec's cultural distinctiveness is being displaced by the pan-Canadian nationalist tendency toward "sameness", supported by the *Charter* and those that use it. In this analysis, however, the group-based citizenship concerns of disempowered peoples - including, but not limited to, gay, lesbian, bisexual, transgender people - are pitted against the historical group-based citizenship concerns of the Quebeçois/Quebeçoise. The former are seen as individual 'rights', and the latter are privileged as matters of cultural acceptance and inclusivity. This type of analysis, however, establishes a hierarchy among 'individual' and 'group' based identities, which prioritizes established group-based identities such as the Quebecois/Quebecoise, and has the effect of dismissing the group-based claims of GLBT people in Canada.

By resisting the group-based sexual and gender identities of GLBT people, mainstream Canadian citizenship theory, therefore, has proven to be insufficient for analyzing and explaining the legal, political, social and cultural development of GLBT people over time. The next section examines how two other theories can be used to better understand GLBT citizenship claims: political opportunity structure analyses and theories of the public/private divide. In particular, theories of the public/private divide are useful to explain GLBT citizenship because the claims of GLBT people are so intricately tied to their sexual and gendered identities – identities that have historically been banished from the public sphere. As well, the following section examines political opportunity structure analyses, to explain how the presence of certain variables created opportunities for the acceptance of some GLBT citizenship claims onto the public agenda, while others were actively rejected. Taken together, conceptions of the public/private divide sometimes shape the political opportunities available for progressive social change.

IV Actors, the State, and Social Movements – How does the political opportunity structure affect which citizenship claims make it to the public agenda?

Social movement theory, and theories of political opportunity structure (POS) in particular, have been used to explain how social movement actors respond to the presence or absence of political, legal, or social opportunities. These opportunities can include a change of political party in power, the introduction of new laws, or a change in public opinion, for example. A political opportunity structure is defined as "consistent - but not necessarily formal or permanent - dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure."[46] In other words, a political opportunity structure explains how resources external to a group (other than money or power) can be used to further a cause, no matter how weak or powerless a group is.[47]

In this study I argue that social movement theories can be used to explain not only the actions of social movement (SM) actors, but also the interactions between the SM actors and the state. In particular, political opportunity structure theories are used in this study to explain how the presence of certain variables created opportunities for the acceptance of some GLBT citizenship claims onto the public agenda, while others were actively rejected. Correspondingly, this POS approach is also used to identify the impact that social movement actors have had on the state, particularly with reference to changes in political opportunities and public policy in Alberta.

In his study of the history of social movements, Sidney Tarrow describes how states began to structure social movement in the 1800s:

> As movements developed in different directions and encountered resistance and support, state responses to them became internally differentiated. Some groups were welcomed into the fold of citizenship, while others were excluded; some kinds of collective action were accepted, while others were suppressed; some sectors of the state accepted the claims of citizenship, while others denied it. It is only in the most extreme cases- or when history is examined from too far away - that an abstraction called "The State" can be said to have been monolithically arrayed against "society." More commonly, state elites chose their allies and attacked their enemies, and the state provided opportunities to some groups and not to others. Under the vast, expanding umbrella of the national state, challengers found opportunities for collective action, and states structured social movements.[48]

In this passage, Tarrow argues that the political opportunity structure operates in a one-way fashion, with states structuring social movements, yet without social movements having any significant impact on the state itself. Unlike Tarrow's view of the POS as a one-way structural relationship, in this study the political opportunity structure is instead viewed as a mutually constitutive relationship between social movement actors and the state. In other words, the approach in this study highlights the agency of SM actors to effect social change, instead of only viewing them as passively accepting and/or working within the opportunities presented by the state.

In *Gendering Government*, Louise Chappell provides a useful example of the co-constitutive nature of states and social movements in her comparative study of the national women's movements in Canada and Australia:

> *Gendering Government*...suggests that institutions, and the POS [political opportunity structure] available to feminists, can only be understood by taking into account the normative context within which they operate... [It] examines how gender norms influence the political opportunity structure and constraint structures faced by feminists, and...illustrates when and how feminists can unsettle entrenched norms in order to use institutions for their own ends.[49]

Chappell argues that "interaction between agents and institutions can, in and of itself, make a crucial difference to the POS."[50] Chappell's perspective, therefore, is useful for identifying how states and social movements influence each other for social change. Alan Cairns more clearly articulates the co-constitutive relationship between state and social actors in Canada:

> The relationship between state and society is not one in which an active vanguard state moulds the responsive clay of an inert society willing to be fashioned according to state dictates. Neither is the state a neutral executor mechanically implementing societal choices and choosing among competing demands by some agreed calculus...The interaction between the multiple power structures of the modern Canadian state and the heterogeneous interests of an open society is a complicated multi-partnered dance in which the roles of leaders and followers shuffle back and forth over time and across issues. It is simplistic to ask who leads and who follows in the never-ending *pas de deux* of state and society.[51]

Like Cairns' interpretation above, this study approaches the relationship between the state and social movement actors as having a co-constitutive relationship, which in the province of Alberta has had a particular impact on the success and failure of GLBT social movement actors and their citizenship goals and in which SM actors have likewise influenced the opportunities and choices of state actors. While the state has maintained a hegemony of power in terms of the structural relationship, nevertheless, the agency of GLBT actors have had an impact on both the state and the political opportunity structure in Alberta.

Variables such as societal cleavages, political opportunities, legal opportunities and cultural meaning frames are all factors that influence the political opportunity structure, and thus the mobilization of social movement actors. Chapter Two examines each of these variables in turn, to explain how each influenced the opportunity structure and subsequently the achievement of GLBT citizenship goals in Alberta between 1968 and 1998.

The next section analyzes theories of the public/private divide, to explain how the values placed on these domains have shaped political opportunities for attaining GLBT citizenship goals.

V How do Constructions of the 'Public' and 'Private' Spheres Shape Citizenship Opportunities?

States in western industrialized countries have historically chosen either to ignore or reject claims for public sphere inclusion by GLBT people by imposing firm boundaries delineating the public and private spheres. Given that GLBT interests often stem from their sexuality and/or gender identity, their claims have been excluded from public consideration because they were considered private, personal issues. Chris Brickell, for example, argues that the boundaries between the public and the private are constructed differently for homosexuals than they are for heterosexuals, and that attempts by gays and lesbians to be 'out' in public spaces in New Zealand have threatened these boundaries:

> …[A]n increasing number of media texts in New Zealand suggest that lesbians and gay men have left the 'private' sphere to intrude into or invade the 'public' space of the city street and, in turn, the 'private' space of the minds of heterosexuals. Such discourses employ liberal concepts and distinctions in ways that cement the normative status of heterosexuality and the subordination and othering of homosexuality.[52]

As Brickell demonstrates, therefore, homosexuals have begun to challenge these boundaries. This study on Alberta demonstrates that the boundaries separating the public and private spheres are socially constructed, are influenced by ideology, and change over time.

In this study the public/private divide is defined as the "ideological division of life into apparently opposing spheres of public and private activities, and public and private responsibilities."[53] Three spheres of activity have traditionally informed understandings of the public and the private in western liberal democracies: the state, the marketplace and the family. First, a distinction is made between the state and the private marketplace, in which the degree of state intervention into the affairs of private marketplace fluctuates over time and according to political ideology. A second distinction is also made between the state and the family, and the degree to which the state regulates the activities and the affairs of families. Third, a distinction is further drawn between the (public) activities of the marketplace, and its impact on the (private) activities and relations of families.[54]

Liberal feminists have criticised the assumptions implicit in the public/private divide that are seen to separate the family from the state. Carole Pateman, for example, has critiqued the modern liberal assumption that women are unfit for participation in the decision-making activities of the state due to their ties to the private sphere of the 'the family', which prevents them from making impartial decisions that are in the best 'public' interest.[55] Ruth Lister also argues that the ideological division between the public sphere and the private (family) sphere is a distortion of reality:

> The descriptive claim of a private family, unsullied by state regulation, within which women are confined and from which men, who instead inhabit the public realm, are absent is a distortion. The reality is more complex: direct and indirect state regulation of the family; easy male passage between private and public spheres and the, albeit more difficult, entry of growing numbers of women into the public sphere… This has not, however, been an obstacle to the normative claims made on behalf of a private, unregulated family as the bastion of individual freedom nor to the sexualised values that support these claims, to the benefit of men.[56]

Similarly, other feminist theorists have argued that the artificial boundaries that delineate the state/market and the market/family have also been harmful for women, demonstrated by the state's unwillingness to establish and ensure pay equity, employment equity, state-funded daycare, and a reduction in women's poverty in Canada.[57]

Feminist theorists have furthermore highlighted the shifting nature of the public/private divide, as a result of ideological changes over time. Susan Boyd describes these changes as such:

> We employ the public/private divide as an ideological marker that shifts in relation to the role of the state at a particular historical

> moment, in particular contexts, and in relation to particular issues. Rather than demarcating actual spheres of activity that are either regulated by the state or not, we strive for an analysis that conceptualizes and recognizes the public/private divide as indeterminate and shifting, but at the same time connected to identifiable relations of power such as those based on class, gender and race....An appreciation of the complex and shifting role of the state in relation to defining public/private boundaries is also of key importance.[58]

Therefore, the intervention of the state into the realm of the family has fluxuated over time, as well as according to race, class, gender, sexuality, age and disability. For example, while white, heterosexual, middle class women in Canada have often welcomed the state's intervention in the family to prevent sexual and physical assault from their male partners and assure access to abortion, other women have historically resisted the impacts of the state on their families. Women of colour, for example, have argued that the family has been a site of reprieve from racist oppression stemming from the state and the marketplace.[59] Similarly, women living on welfare have historically resisted attempts by the state to regulate their family lives or limit their reproduction.[60]

Kathleen Jones argues that feminist theorists have started to deconstruct citizenship discourses that have defined women's bodies as a purely private sphere matter:

> The focus of some feminist theorists on issues of sexuality, reproduction and the physical self suggests a renewed attention to the "body" in the "body politic". From this perspective, citizenship is defined as a practice of embodied subjects whose sex/gendered identity affects fundamentally their membership and participation in public life.[61]

Jones argues, for example, that sexual harassment is a strategy that has been used to structure public space in a way that endangers women, thereby regulating the ways that they can be present in public life.[62]

For GLBT people, issues of concern about the public/private split vary somewhat from those identified by heterosexual feminists. GLBT claims for inclusion into the public sphere are often based on needs that are linked in some manner to their sexual and gendered identities; in other instances their claims have stemmed from a desire to keep the state and the market out of their private, sexual lives.

Diane Richardson argues that gays and lesbians have been given the right to be "tolerated" in the public sphere, only if they remain as a minority group and do not 'promote' homosexuality.[63] She also argues that gays and lesbians have been constructed as belonging to the private sphere, but are segregated even within that realm:

> Whilst lesbians and gay men are banished from the public to the private realm they are, in many senses, simultaneously excluded from the private where this is conflated with 'the family'…the state withholds various rights of citizenship…(partnerships, childbearing, entertainment in the home), which are facets of the private sphere where, in the ideology of the public/private divide, lesbians and gay men are supposedly 'licensed'. Thus, notions of privacy, as well as of public space, are exclusionary; the right to privacy being primarily the right of legally married couples.[64]

According to Richardson, therefore, gays and lesbians have been relegated to the private sphere while simultaneously being segregated into a further, diminished category of private relations (which is not the family). More generally, her analysis demonstrates that both the public and private spheres must be acknowledged as sexualized spheres, in which heterosexuality has been unquestionably constructed as the dominant norm.

Theories of the public/private divide, therefore, are useful to identify which citizenship claims are constructed as ‘private’ and which are constructed as ‘public’. Moreover, in combination with citizenship theories, theories of the public/private divide help us to understand how citizens can challenge the boundaries between the spheres. Any concept of citizenship that maintains a firm distinction between the public (state and civil society) and private (domestic) spheres will result in a lack of substantive citizenship for GLBT people. The artificial delineation of public/private spheres has historically served to justify GLBT people's exclusion from human rights legislation and to maintain oppressive structures that have kept them closeted for decades. Governments (and other societal institutions such as churches, families and workplaces) have urged GLBT people to hide their intimate lives within the 'private' sphere and out of the public eye. Circumscribing GLBT peoples' identities and lives in this manner has therefore allowed governments to offload responsibility for the safety and welfare of GLBT people to the individuals themselves. For GLBT people, their activities in the so-called private sphere have been *the basis* of their exclusion from full citizenship in the 'public' sphere.

Theories of citizenship and the public/private divide, however, do not fully explain how certain citizenship claims can come to be visible and accepted in the public sphere why some do not. A second theoretical piece of architecture is needed to develop a fuller picture of who decides whether citizenship are valid or acceptable. In the next section, I examine how the concept of 'neutrality' affects the construction of valid citizenship claims for GLBT people.

VI Who Decides Valid Citizenship Claims?

In applying citizenship theory, theories of the public/private divide, and theories of political opportunity structure to the case study of GLBT activists in Alberta, this study also introduces a very practical question: Who actually decides the validity and acceptability of a citizenship claim? Who has the authority to accept or deny the claims of citizens onto the public agenda? In other words, who decides the entitlements of citizenship? In particular, this study examines how different structures and actors of the state – the legislature and elected officials, members of the bureaucracy, judges and the courts, or the police – interact with social movement actors to define citizenship claims and citizenship entitlements.

For some theorists, the question of 'who decides' which citizenship claims are valid is relatively straightforward. In the work of William Kymlicka and Wayne Norman, for example, a 'neutral arbitor' emerges, that/who is required to evaluate the claims made by minority groups:

> ...[I]n so far as it is important to look at the impact of minority rights - not only on stability, but also on the norms of democratic citizenship - then philosophical work needs to be done to clarify the relevant normative standards of citizenship [and] to clarify the underlying logic of the new claims...If there is some conflict between respecting the legitimate claims of minorities and promoting desirable citizenship

> virtues and practices, what sorts of trade-offs between these values are appropriate and morally defensible?[65]

According to Kymlicka and Norman, it is therefore possible to establish the norms of citizenship and to evaluate whether 'new' citizenship claims can be validated and recognized within that understanding of citizenship. However, the process of establishing the 'normative standards of citizenship' and the 'logic of new claims' is anything but neutral. Kymlicka and Norman fail to identify that those who 'clarify' citizenship standards and evaluate the 'new claims' do so from a partial perspective themselves. Political theorist Iris Marion Young critiques this 'ideal of impartiality':

> Impartiality designates a point of view that any rational person can adopt, a detached and universal point of view that takes all particular points of view equally into account. If one is impartial in the making of a moral or political decision, then that decision will be the right one, the best, the one which does in fact represent the interests of everyone affected as much as possible. The decision arrived at by the impartial decisionmaker is one all those affected would have arrived at if they had discussed it under circumstances of mutual respect and equal power…[but] the idea of the neutral state [or other decision-maker] that stands above the particular interests and conflicts of civil society is, however, a myth.[66]

The ideal of impartiality, therefore, means that in reality the decision about who belongs as a citizen and whether or not their claims are valid, are made under circumstances of unequal power relations. As a result, certain identities and people are included in the theories and practices of citizenship, while others are not. GLBT people historically have not been not included; rather, their interests and identities have been deemed 'repulsive' or 'deviant', and relegated exclusively to the private sphere as a result of their sexual and gendered practices and identities.

In Canada, however, different arms of the state have responded differently to GLBT claims. Moreover, the responses of these parts of the state have varied across time and space. In this study I examine the interactions of GLBT social movement actors and varying arms of the provincial state of Alberta – the legislature, the bureaucracy, the courts and the police. At various times during the thirty years studied, each element of the state has attempted to be seen as a 'neutral' arbiter of GLBT citizenship claims. While the police, the legislature and the courts of the provincial state have for the most part actively resisted the inclusion of GLBT citizenship claims into the public sphere, the bureaucracy and the federal courts did provide openings where public policy could be influenced to include their gendered and sexual identities.

VII Conclusion

In this study, therefore, three theoretical pieces will be used in combination to examine the citizenship development of GLBT people over time: theories of citizenship, theories of the public/private divide and political opportunity structure analysis. While each of these approaches taken alone cannot sufficiently analyze the citizenship of GLBT people in Alberta, taken together they can begin to offer a richer explanation of the legal, political, social and cultural citizenship developments over time.

These theories also helps to explain *who* has decided the validity of GLBT citizenship claims over the years - in particular, which arm of the state has supported or resisted them. In the next chapter I examine the political opportunity structure in Alberta throughout the three decades of this study, to demonstrate which variables influenced the success or failure of GLBT citizenship claims during this time.

Notes to Chapter One

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[1] In defining substantive citizenship this way, I draw upon the term 'substantive equality' that feminist legal theorists have created in order to further women's equality under the law in Canada. See Gwen Brodsky and Sheila Day (1989) *Canadian Charter Equality Rights for Women: One Step Forward or Two Steps Back?* Ottawa: Canadian Advisory Council on the Status of Women.

[2] See for example, Miriam Smith (1999). *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking in Canada*. Toronto, University of Toronto Press; Gary Kinsman (1987) *The Regulation of Desire: Sexuality in Canada.* Montreal: Black Rose Books. Foster, Marion and Kent Murray (1972) *A Not So Gay World: Homosexuality in Canada.* Toronto: McLelland and Stewart. Kathleen Lahey (1999). *Are We 'Persons' Yet? Law and Sexuality in Canada.* Toronto: University of Toronto Press.

[3] Miriam Smith (1999).

[4] Ibid, p. 142.

[5] See, for example, his 1998 study *On the Fringe: Gays and Lesbians in Politics*. New York: Cornell University Press, as well as "The Structuring of Sexual Minority Activist Opportunities in the Political Mainstream: Britain, Canada and the United States", in Mark Blasis, (ed) (1998) *Sexual Identities: Queer Politics*. Princeton: Princeton University Press, 23-55.

[6] Kathleen Lahey (1999). *Are We 'Persons' Yet? Law and Sexuality in Canada.* Toronto: University of Toronto Press.

[7] Didi Herman (1994). *Rights of Passage: Struggles for Gay and Lesbian Legal Equality.* Toronto: University of Toronto Press.

[8] Bruce MacDougall (2000). *Queer Judgements: Homosexuality, Expression, and the Courts in Canada*. Toronto: University of Toronto Press.

[9] Marion Foster and Kent Murray (1972) *A Not So Gay World: Homosexuality in Canada*. Toronto: McLelland and Stewart.

[10] Donald McLeod (1996) *Lesbian and Gay Liberation in Canada: A Selected Annotated Chronology, 1964-1975*. Toronto: ECW Press/Homewood Books.

[11] Gary Kinsman (1987). *The Regulation of Desire: Sexuality in Canada.* Montreal: Black Rose Press.

[12] Miriam Smith argues, for example, that in the 1970s lesbians were concerned about such issues as violence against women, while gay men were concerned about state censorship of gay pornography.

[13] Becki L. Ross (1995). *The House That Jill Built: A Lesbian Nation in Formation.* Toronto: University of Toronto Press.

[14] Sharon Dale Stone (ed) (1990). *Lesbians in Canada*. Toronto: Between the Lines.

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[15] Nancy Adamson, Linda Briskin and Margaret McPhail (1998). *Feminist Organizing for Change: The Contemporary Women's Movement in Canada.* Toronto: Oxford University Press.

[16] T.H. Marshall and Tom Bottomore. (1992) *Citizenship and Social Class.* Concord, MA: Pluto Press.

[17] Ibid, p. 8-9.

[18] T.H. Marshall (1992). "Citizenship and Social Class", in T.H. Marshall and Tom Bottomore, *Citizenship and Social Class.* London: Pluto Press, p. 18.

[19] See for example, Laura Bonnett (2002). "Citizenship and Disability in Canada: The Invisible Frontier", in Linda Trimble and Janine Brodie (eds) *Reinventing Canada: The Politics of the 21st Century.* Toronto: Prentice-Hall; Laura Bonnett (1997). *Toward a More Inclusive Concept of Citizenship: Women and the 1981 Ad Hoc Constitutional Conference.* Unpublished M.A. Thesis, School of Canadian Studies, Carleton University, Ottawa, Ontario; Joyce Green (2001). "Canaries in the Mines of Citizenship: Indian Women in Canada", *Canadian Journal of Political Science,* Dec., XXXIV:4, p. 715-738; Linda Trimble (1998). "'Good Enough Citizens': Canadian Women and Representation in Constitutional Deliberations". *International Journal of Canadian Studies*, Vol. 17, Spring; Susan Moller-Okin (1992) "Women, Equality and Citizenship", *Queen's Quarterly*, 99, 1, 56-71; Jill Vickers (1989). Feminist Approaches to Women in Politics" in L. Kealey and J. Sangster (eds) *Beyond the Vote: Canadian Women in Politics.* Toronto: University of Toronto Press; Rian Voet (1994) "Women as Citizens: A Feminist Debate", *Australian Feminist Studies*, 19, Autumn, 61-77.

[20] Prior to the decriminalization of certain homosexual acts in 1969, gays and lesbians convicted and incarcerated for "indecent acts" or "sodomy" under the Criminal Code of Canada would not have had access to the franchise. After 1969, political participation for able-bodied, non-incarcerated GLBT people was therefore limited to the franchise.[20]

[21] Roger Brubaker, quoted in Tom Bottomore and T.H. Marshall, *Citizenship and Social Class*, 1992. Concord: Pluto Press, p. 67.

[22] Will Kymlicka and Wayne Norman (2000). *Citizenship in Diverse Societies.* New York: Oxford University Press, p. 5.

[23] Michael Bronski (1998). *The Pleasure Principle: Sex, Backlash and the Struggle for Gay Freedom.* New York: St. Martin's Press.

[24] Bryan S. Turner (1993). "Contemporary Problems in the Theory of Citizenship" *Citizenship and Social Theory* Bryan Turner (ed). London: Sage Publications p. 2.

[25] Ruth Lister (1997). *Citizenship: Feminist Perspectives.* London: MacMillan Press Ltd, p.196.

[26] See for example, Alan Cairns (2000) *Citizens Plus: Aboriginal Peoples and the Canadian State.* Vancouver: UBC Press; Alan Cairns (1995) *Reconfigurations: Canadian Citizenship and Constitutional Change.* Douglas Williams (ed). Toronto: McLelland and Stewart; Alan Cairns (1993) "The Fragmentation of Canadian Citizenship", in W. Kaplan (ed) *The Meaning*

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and Future of Canadian Citizenship. Montreal: McGill-Queen's University Press; James Tully (1995) *Strange Multiplicity: Constitutionalism in an age of Diversity.* Cambridge: Cambridge University Press; Charles Taylor (1993) "The Politics of Recognition" in Amy Gutmann (ed) *Multiculturalism*. Princeton: Princeton University Press.

[27] Alan Cairns (1995) *Reconfigurations: Canadian Citizenship and Constitutional Change*. Douglas Williams (ed). Toronto: McLelland and Stewart, p. 20.

[28] Richard Simeon and Ian Robinson (1990) *State, Society, and the Development of Canadian Federalism*. Toronto: University of Toronto Press, p. 16.

[29] See Jill Vickers (1994) "Why *Should* Women Care About Federalism?" in D. Brown and J. Hiebert (eds) *Canada: the State of the Federation 1994*, and Linda Trimble (1991) "Federalism, the Feminization of Poverty and the Constitution", in David Schneidermann (ed) *Conversations Among Friends/Entre Amis: Proceedings of An Interdisciplinary Conference on Women and Constitutional Reform*. Edmonton: Centre for Constitutional Studies, University of Alberta.

[30] Ibid.

[31] See for example, Stanley Ryerson (1973) *Unequal Union: Roots of Crisis in Canada, 1815-1873*. Toronto: Progress Books; Robert Vandyke (1995)"The 1982 Constitution and the Charter of Rights: A View From Quebec" in M.Smith and F. Rocher (eds) *New Trends in Canadian Federalism*. Peterborough: Broadview Press.

[32] See for example, Kenneth McRoberts (ed) (1995) *Beyond Quebec: Taking Stock of Canada*. Montreal and Kingston: McGill-Queen's University Press; Alan Cairns (1991) *Distruptions: Constitutional Struggles, from the Charter to Meech Lake*. Toronto: McLellan and Stewart, and; Mary Ellen Turpel, (1993) The Charlottetown Accord and Aboriginal Peoples' Struggle for Fundamental Political Change, in McRoberts and Monahan (eds) *The Charlottetown Accord, the Referendum, and the Future of Canada*. Toronto: University of Toronto Press.

[33] Charles Taylor (1999); Kymlicka and Norman (2000) (eds) *Citizenship in Diverse Societies*. New York: Oxford University Press.

[34] Charles Taylor (1999), p. 272.

[35] Ibid, p. 276.

[36] Ibid, p. 282.

[37] Ibid, p. 274-280.

[38] See the contributions by Alan Cairns (2000) *Citizens Plus: Aboriginal Peoples and the Canadian State.* Vancouver: UBC Press; Alan Cairns (1995) *Reconfigurations: Canadian Citizenship and Constitutional Change*. Douglas Williams (ed). Toronto: McLelland and Stewart; Alan Cairns (1993) "The Fragmentation of Canadian Citizenship", in W. Kaplan (ed) *The Meaning and Future of Canadian Citizenship.* Montreal: McGill-Queen's University Press. See also Trimble, Linda (1998). "'Good Enough Citizens':

Canadian Women and Representation in Constitutional Deliberations", *International Journal of Canadian Studies*, Vol. 17, Spring.

[39] See Janine Brodie (1995) *Politics on the Margins: Restructuring and the Canadian Women's Movement*. Halifax: Fernwood Publishing.

[40] See Charles Taylor (1999) Democratic Exclusion (And its Remedies?), in A.Cairns, J. Courtney, P. MacKinnon, H.J. Michelmann, and D.Smith (eds) *Citizenship Diversity and Pluralism: Canadian and Comparative Perspectives*. Montreal and Kingston: McGill-Queen's University Press.

[41] See Rainer Knopff and F.L. Morton (1992) *Charter Politics*. Scarborough: Nelson Canada; Rainer Knopff and F.L.Morton *The Charter Revolution and the Court Party*. Peterborough: Broadview Press; Alan Cairns (1992) *Charter Versus Federalism: The Dilemmas of Constitutional Reform*. Montreal and Kingston: Queen's University Press.

[42] See Rainer Knopff and F.L. Morton (1992) and (2000), above.

[43] Rainer Knopff and F.L. Morton (2000). *The Charter Revolution and the Court Party*. Peterborough: Broadview Press, p. 149.

[44] Francois Rocher and Anne-M. Field (2000). "At a Juncture? For a New Understanding of Federalism and Citizenship in Canada". *International Journal of Canadian Studies*, Vol.22, Fall, p.60

[45] Ibid.

[46] Sidney Tarrow (1994). *Power in Movement: Social Movements, Collective Action and Politics*. New York: Cambridge University Press, p. 85.

[47] Ibid, p. 18.

[48] Ibid, p. 77.

[49] Chappell, Louise (2002). *Gendering Government: Feminist Engagement with the State in Australia and Canada*. Toronto and Vancouver: UBC Press, p. 10-11.

[50] Louise Chappell (2002) p. 142.

[51] Alan Cairns (1995). "The Embedded State: State-Society Relations in Canada", in Douglas E. Williams (ed) *Reconfigurations: Canadian Citizenship and Constitutional Change*. Toronto: McLelland and Stewart, p.36.

[52] Chris Brickell (2000) "Heroes and Invaders: gay and lesbian pride parades and the public/private distinction in New Zealand media accounts", in *Gender,Place and Culture*, Vol. 7, No.2, pp. 164.

[53] Susan Boyd (1997). "Challenging the Public/Private Divide" in Susan Boyd (ed) *Challenging the Public/Private Divide: Feminism, Law and Public Policy*. Toronto: University of Toronto Press, p.8.

[54] Ibid, p. 8-9.

[55] Carole Pateman (1980) "'The Disorder of Women': Women, Love and the Sense of Justice". *Ethics*, 9:1, 20-34.

[56] Ruth Lister (1997). *Citizenship: Feminist Perspectives*. New York: New York University Press, p.120.

[57] Janine Brodie (1996). *Women and Canadian Public Policy*. Toronto: Harcourt Brace and Company.

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[58] Ibid, p. 4.
[59] bell hooks (1984). *Feminist Theory from Margin to Centre*. Boston: South End Press.
[60] Patricia Evans (1996). "Single Mothers and Ontario's Welfare Policy: Restructuring the Debate" in Janine Brodie (ed) *Women and Public Policy in Canada*. Toronto: Harcourt Brace and Company.
[61] Kathleen Jones (1990). "Citizenship in a Woman-Friendly Polity", *Signs: Journal of Women in Culture and Society*, Summer,Vol.15, No.4, p.787.
[62] Ibid.
[63] Diane Richardson (1998). *Sociology*. Vol.32, No. 1, (83-100) p. 89-90.
[64] Ibid.
[65] Will Kymlicka and Wayne Norman (2000) "Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts" in Kymlicka and Norman (eds) *Citizenship in Diverse Societies*. New York: Oxford University Press, p. 17.
[66] Iris Marion Young, (1990) *Justice and the Politics of Difference*. Princeton, New Jersey: Princeton University Press, p. 112-114.

CHAPTER TWO

Social, Cultural, Political, and Legal Opportunities – Thirty Years of Contested Citizenship Claims in Alberta.

I Introduction

What happens when GLBT people make claims upon the state to either acknowledge their existence in the public sphere, or to stay out of their personal, private lives? One approach that is very useful for understanding how GLBT claims become taken up or rejected by the state is political opportunity structure theory (POS). Theories of POS can explain why some GLBT citizenship claims become visible in the public sphere and why some do not. POS also help to explain what variables need to be in place to assist the emergence and acceptance of citizenship claims in the public sphere. This chapter begins with an examination of diverse approaches to social movement theory, such as resource mobilization theory, new social movement theory and political opportunity structure theory, to demonstrate the strengths and limitations to their application in this study.

This chapter also examines the struggles between social movement actors and the state in Alberta, as well as the broader contextual issues occurring between 1968 and 1998, to illustrate the social, political, legal and cultural framing opportunities that emerged for achieving GLBT public policy goals at that time. In this chapter, I integrate social movement literature, and theories of political opportunity structure in particular, into a longitudinal analysis of the opportunities available in Alberta for GLBT claims-making over time. I draw upon relevant theoretical elements by social movement theorists to explain the context for the organizing of GLBT social movement activists, and demonstrate how that context shifted over time between 1968 and 1998.

II Social Movement Theory

Various perspectives have been used to study social movements, including resource mobilization theory (RMT), political opportunity structure (POS) theory, and new social movement (NSM) theory. Resource mobilization theorists emerged out of the United States to propose that movements were composed of instrumental, rational, collective actors, who mobilized on the basis of shared grievances and pooled their resources (and sought out other resources) to achieve specific political goals.[1] In particular, resource mobilization theory attempted to answer *how* social movements mobilized and undertook collective action, but was limited in its ability to explain how social movements interact with political institutions.

New Social Movement theorists from Europe emerged from the Marxist tradition to challenge the instrumentalist approach of RMT and to explain the development of newer social movements, such as women's movements, environmental movements, and gay and lesbian movements.

NSM theorists argue that actors in new social movements were mobilized more through identification with collective identities, rather than simply through collective interest. According to this approach, however, NSMs are more concerned with challenging discursive and cultural practices, rather than material interests, as was the case with early Marxist approaches and RMT approaches. The strength, therefore, of NSM theory lies in its ability to explain *why* a social movement is created, but it too is limited in its ability to explore how social movements interact with political institutions.

A third variant of social movement theory is political opportunity structure (POS). Theories of political opportunity structure seek to explain how political institutions within a given nation-state affect the development of social movements. While RMT theories concentrate on internal elements of social movements such as "membership recruitment, goal formation, internal organization and the establishment of alliances"[2], POS attempts to understand how external factors such as political parties and electoral systems influence social movements. An analysis of the combination of institutions and opportunities helps a movement to "conduct a cost-benefit analysis to determine the most efficient and strategic allocation of its resources."[3] POS theories, therefore, attempt to answer *when* people participate, as a precursor to understanding why and how.

This study is concerned with the interaction between social movements, citizenship and the public private divide. Given the importance of the state, and in this case the provincial state, in determining citizenship rights, this study uses a political opportunity structure approach to best explain the interaction between the state and the GLBT social movement in Alberta. This study does not specifically analyze the resources available to the movement, and as a result does not rely upon resource mobilization theory for explanation. Nevertheless, this study does draw upon insight from new social movement theorists to argue for the inclusion of cultural framing as an element of POS.

III Introduction to Alberta's Political Opportunity Structure

In general, the political opportunity structure in Alberta can be described as rigid, with few opportunities for social movement access to the state or to promote progressive public policy change. In many instances between 1968 and 1998, the POS in Alberta impeded both the GLBT movement's access to the state and the achievement of many of their public policy goals, such as inclusion of sexual orientation into the *Individual's Rights Protection Act*. Occasionally, the POS did provide opportunities for progressive social change, such as the eventual state funding of HIV/AIDS programming and sex-reassignment surgery for transgender individuals. In this chapter four factors will be examined to demonstrate how they contribute to the rigidity and/or flexibility of the POS in Alberta: societal cleavages, the political environment, legal opportunities and cultural framing. To begin, these factors will be examined in the early days of this study – the 1960s and 1970s.

IV Setting the Stage for Hope and Struggle: Alberta's Political Opportunity Structure in the 1960s and 1970s.

Decriminalization: A Legal Opportunity for the Emergence of Gay and Lesbian Sexuality and Identity in the 1960s

Canada's decriminalization of homosexuality in 1969 came in the aftermath of more than a decade of debate on the same issue in Britain.[4] The decriminalization of homosexuality in Canada was influenced by the same legislative changes occurring overseas. During the 1960s in Canada, the treatment of gays and lesbians by the state in Canada was very repressive, as both men and women could be charged with gross indecency for 'committing' homosexual acts. The 1965 arrest and prosecution of Everett George Klippert, an 'admitted homosexual' showed the degree to which gays and lesbians could be persecuted if they admitted their sexual preferences. During the course of an arson investigation in Pine Point, North West Territories, the RCMP arrested Klippert when he told them that he had been a practicing homosexual for 24 years (even though his sexual relations had been private, consensual sexual acts). He was charged with 4 counts of gross indecency, convicted on the basis of his own testimony, and sentenced to 12 concurrent years of prison.[5] The courts went even further when, in 1966, Klippert was deemed to be a dangerous sexual offender, due to the fact that he was likely to commit a further 'sexual offence' in having sexual relations with males. He was therefore sentenced indefinitely. The Supreme Court of Canada upheld that sentence when it heard Klippert's appeal in 1967.

While few had previously been interested in the legal treatment of homosexuals, Klippert's case caused a furor in the press and with politicians in Ontario and Quebec. That year the *Toronto Star* ran a story with the headline "Supreme Court Ruling Makes Homosexual Liable for Life" and ran an editorial piece entitled "A Return to the Middle Ages", critiquing the Court's ruling.[6]

In the midst of the concern about Klippert's case, then-Prime Minister Pierre Elliot Trudeau tabled an omnibus bill to amend the *Criminal Code of Canada* and liberalize laws concerning abortion, divorce, and sexuality. After significant, and at times acrimonious debate, the House of Commons passed the bill, removing certain sexual acts between consenting adults *in private* from criminal prosecution, while nevertheless maintaining a higher age of consent for homosexuals (age 21) than for heterosexuals (age 16). Thus, in 1969 homosexuality was decriminalized in Canada, heralded by Trudeau's famous statement that 'the state has no place in the bedrooms of the nation'.

In many ways decriminalization was actually a small success given that no other protection for homosexuals was provided for. Moreover, the manner in which homosexuality was decriminalized left no room for a broader discussion on homosexuality and the discrimination that affected gay and lesbian Canadians.[7] Gays and lesbians still faced severe discrimination if they self-identified publicly, and could lose their jobs, their families and their homes. Nevertheless, the decriminalization of homosexuality provided a political opportunity for public organizing that was not previously available to gays and lesbians. As a result, social spaces such as bars started to appear in Alberta and across Canada in the wake of decriminalization, as did overtly gay political organizations.

The establishment of gay bars provided one avenue for the simultaneously public and private emergence of GLBT communities in Alberta. On the cusp and after the decriminalization of homosexuality, gay bars in both Edmonton and Calgary emerged as the main social and political spaces where GLBT people could meet. The claiming of these gay cultural spaces, however, provoked a paradoxical effect: on the one hand, police authorities for the most part tolerated gay spaces if they remained out of view of the public sphere; on the other hand, it prompted provincial authorities to "push back" in the form of fines and attempts to close them down. Despite these efforts, however, gay bars continued to thrive into the 1980s. While Chapter Three will explore the emergence of gay bars and other GLBT spaces in more detail, the next section examines the role of electoral changes on the political opportunities of GLBT social movement actors in Alberta in the 1970s.

Regime Change: The Promising Electoral Fortunes of the Conservative Party of Alberta.

Sidney Tarrow argues that shifts in ruling alignments can have a significant impact on the political opportunity structure. For Tarrow, these shifts provide opportunities especially when minority governments are elected, and parties are required to work in coalition:

> A[n] aspect of opportunity structure that encourages collective action is the instability of political alignments, as indicated in liberal democracies by electoral instability. The changing fortunes of government and opposition parties, especially when they are based on new coalitions, create uncertainty among supporters, encourage challengers to try to exercise marginal power and may induce elites to compete for support from outside the polity.[8]

In Alberta, the dominance of one-party Conservative rule for the large majority of this study meant that coalition politics did not occur to provide an opening in the political opportunity structure for GLBT movement activists. What did occur, however, were certain electoral changes that sometimes benefited and sometimes hindered the opportunities for GLBT social movement actors in Alberta. Similarly, social movement actors were sometimes successful in using electoral opportunities to influence state actors and achieve their GLBT citizenship goals.

When the Conservative party defeated the long-ruling Social Credit Party in the 1971 election, provincial politics changed dramatically, and organized religion took a back seat under the new Premier, Peter Lougheed. The election of Lougheed's Conservative party brought a focus on oil and gas development combined with the ideology of corporate capitalism, which significantly reduced the *visible* influence of fundamentalist Christianity on Alberta politics. Larry Pratt argues that the election of the Conservatives in 1971 was also a reflection of the urban influence on the electoral system:

> Alberta's large and growing urban middle class, nurtured by 25 years of oil and natural gas development, acceded to political power in the provincial election of August 1971. In retrospect, that election, which saw Peter Lougheed's revived Progressive Conservative party take 49 seats and thereby write *finis* to the 36 year dynasty of Social Credit, represented an inevitable, though much delayed, response of the electoral system (delayed, in part by Social credit's careful gerrymandering and the deliberate underrepresentation of the cities in the legislature) to post-war population growth, urbanization, and secularization...[9]

As a result of the more secular urban influence on the province as a whole, the legislative impact of elected moral and social Conservatives was tempered in the early 1970s. This opening in the political environment, combined with the national decriminalization of homosexuality, allowed gay and lesbian activists to begin organizing for change. The year 1971 saw the formation of Gay Alliance Toward Equality (GATE Edmonton), the first gay and lesbian organization in the province, as well as the establishment of The People's Liberation Coalition in 1973, the predecessor to Gay Information and Resources Calgary (GIRC). These organizations would later become highly involved in lobbying for gay and lesbian rights throughout the province, as Chapter Four will demonstrate. The election of the Conservative party, however, also heralded a legal opportunity through the introduction of the *Individual's Rights Protection Act*, as discussed below.

Ushering in an Era of Legal Opportunity: Hope and the *Individual's Rights Protection Act, 1972.*

The introduction of the *Individual's Rights Protection Act* in 1972 by the Conservative government signalled the beginning of a new era of human rights in the province.[10] While the details of the introduction of the *Act* will be further discussed in Chapter Five, it is important to note here that the legislation provided the legal opportunity and impetus for the beginning of the gay and lesbian movement in Alberta. The new legislation led to the establishment of Gay Alliance Toward Equality (GATE Edmonton), which was formed specifically to lobby for changes in legislation that discriminated against homosexuals.[11] The introduction of the Act and the subsequent opportunities for input provided by the Alberta Human Rights Commission provided openings for the mobilization of gay and lesbian activists. While this change in legal opportunities was enough to allow GLBT people to start raising their concerns about inclusion in the

Individual's Rights Protection Act, it was not significant enough to provide any space for legislative changes.

Space for discussing changes to the IRPA was provided the Alberta Human Rights Commission and its legislative hearings later in the 1970s. In that decade gay and lesbian social movement activists were able to take advantage of both formal legislative hearings by the Alberta Human Rights Commission concerning the IRPA, as well as informal meetings with both the Commission and the Conservative Caucus Committee to further their citizenship goals. Sidney Tarrow argues that increased access to the state by social movement actors is an important structure of political opportunity.[12] While Tarrow has generally interpreted this access to mean voter participation in elections,[13] this study demonstrates that legislative hearings provide another method of opening up access to power.

Susan Phillips argues that legislative committees can function to open up political access to all citizens:

> While consultation encourages the range of interests of players that have a significant stake in a policy, it also promotes citizenship - empowerment of individuals and organizations - through the act of participating in making their views heard. Although in theory these are the functions of political parties…in practice…[t]herefore, consultation has become the responsibility of legislatures, through parliamentary committees, the public service and independent bodies…[14]

GLBT activists in Alberta, therefore, used the government's process of consultation to increase their participation in the political decision-making process in attempts to achieve their citizenship goals.

The 1970s was the most hopeful and the most activist decade for the hearings of the Alberta Human Rights Commission. The hearings allowed gay and lesbian organizations to publicize their views and attempt to educate members of the Commission on homosexuality. Activists from Gay Alliance Toward Equality (GATE) and Alberta Lesbian and Gay Rights Association (ALGRA) took advantage of public hearings by the Alberta Human Rights Commission in both 1976 and 1979.

In 1976, members of GATE Edmonton met with Commission members, outlining the discrimination faced by gay and lesbian Albertans in the areas of rental accommodation and employment, while at the same time attempting to educate the members about the stereotypes that encouraged discriminatory behavior. Similarly, in 1979, members of ALGRA documented and presented to the AHRC 15 cases of discrimination against gays and lesbians in Alberta in the areas of housing, employment and access to public services. ALGRA later submitted copies of its brief to all of the members of the Legislative Assembly, and established a letter-writing campaign to garner public support.[15]

These hearings were successful in the fact that they publicized the discrimination that gays and lesbians were experiencing and that they began to educate members of the AHRC about the impact of negative stereotypes. While initially the AHRC supported the inclusion of sexual orientation in 1976, a change in leadership at the Commission resulted in the failure of the AHRC to endorse inclusion in 1979. These meetings, however, would set the groundwork for future support by the AHRC.

The election of the Conservative government in 1971, the introduction of the IRPA in 1972, and the subsequent hearings of the AHRC all provided openings for GLBT activists to educate politicians, bureaucrats and the public on the need for legal protection for gays and lesbians. While these openings provided hope for the activists, they did not produce any concrete public policy successes. The next section examines the backlash that began to emerge as a result of the emergence of GLBT activists into the public sphere.

No 'Pacifying' the Religious Right: The Emergence of a Backlash in Alberta's Political Opportunity Structure in the late 1970s.

In their comparative analyses of European new social movements, Kriesi, Koopmans, Duyvendak and Giuni argue that the presence of existing societal cleavages have an impact of the success of new social movements.[16] They argue that if the conflicts inherent in older societal cleavages (for example between rural/urban concerns, religions or class) are not addressed (e.g. pacified) and incorporated into the traditional political system, little space is left on the public agenda for new social movements. Moreover, they also argue that the *stronger* the traditional cleavages are, the fewer number of individuals will be available for mobilization by newer social movements.[17] While this analysis is useful for understanding that specific social factors can support or impede the progress of social movements, it cannot fully explain the impact that social factors such as religion or the rural/urban split have had on the gay and lesbian movement in Alberta. In particular, this approach cannot explain that even though religious or rural constituencies have been incorporated into the political system in Alberta, they have created less, not more opportunities for achieving GLBT citizenship goals.

For Kriesi et al., religion is understood as a 'societal cleavage', which is intended to denote how conflict between religious groups can dominate the public agenda and not leave room for the interests of other social movements. This characterization is demonstrated in their study of the Netherlands, Germany and Switzerland:

> In all three…the Catholics have organized in defense against the dominant Protestants, who were the decisive builders of the nation-state. In all three however, the religious cleavage was pacified by the mid-seventies. In Switzerland, federalism has allowed the Catholics to preserve their political power in the regions where they dominate…The Netherlands has known two types of religious cleavages - one between Protestants and Catholics and a second one within the Protestant Church…Just as in Switzerland, however, the cleavage was pacified in several steps at the beginning of our century…In Germany, the traditional defensiveness of the Catholic minority…gave way to a much more open attitude after the Second World War …[when their political] party represented an alliance of Catholics and Protestants…and cut across social classes and mobilized from all quarters of society.[18]

The approach of Kriesi et al., therefore, addresses how organized religion can *indirectly* impede the development of new social movements by dominating the political agenda, absorbing public attention and defining how mobilization happens,[19] but it cannot explain how organized religion or its adherents can *directly* impede the development of new social movements or how they intervene to block their public policy goals.

Barry Adam, Jan Willem Duyvendak and André Krouwel examine a number of gay and lesbian social movements around the globe, and argue that specific social, economic and cultural prerequisites must be in place before a gay and lesbian movement can fully develop. In particular, they argue that one of the most dominant cleavages in Western societies is the state/religion cleavage. They argue that a strong relationship between church and state will hinder the rights of gays and lesbians:

> Institutionalized religion plays a major role in policing public culture in many societies. When the church exerts state power through a dominant religious party and its ancilliary organizations, the liberation of gays and lesbians is severely hampered.[20]

According to Adam et al., therefore, gays and lesbians fare better in societies where organized religion is not a strong socio-political force.[21] They argue that where a division still exists between church and state, and where the church still opposes the authority of the state in "moral" affairs, "value systems other than the dominant religious one will have difficulty in their claim for recognition".[22] This approach to understanding the role of religion is still insufficient for analyzing Alberta, however, due to the fact that organized religion has traditionally *infiltrated* the state. In Alberta, it has not been a matter of a 'cleavage' between church and state, but rather a fusion of the two that has led to a rigid political opportunity structure.

For example, in Alberta, the backlash by conservative Christians to GLBT citizenship claims first became publicly apparent during a visit to the province by Anita Bryant, an American anti-homosexual crusader from Florida. In 1977, Dade County, Florida, held a referendum which revoked its own legislation prohibiting discrimination against gays and lesbians. The referendum was spearheaded by Anita Bryant, a former beauty queen, singer and christian fundamentalist who headed a campaign called "Save Our Children". In 1978 Anita Bryant brought her campaign to Canada, assisted by Renaissance International, a Toronto-based Christian fundamentalist organization, and appeared in Edmonton in April of that year.[23]

In response to Anita's views and visit, a coalition of groups formed in both Edmonton and Calgary to challenge the "faith-based" homophobic nature of her claims. In Edmonton, representatives came together from a diverse set of organizations (GLBT, union, civil liberty and faith-based) to form a non-partisan, ad-hoc organization called *Concern*.[24] In Calgary, gay and straight citizens mobilized to form *The Coalition for the Advancement of Gay and Lesbian Rights* to advance gay rights, and seek co-operative support with other groups working for the advancement of human rights.[25] On April 29, 1978 over 300 protestors from Calgary and Edmonton attended the protest rally against Anita Bryant and her homophobic beliefs.[26]

Bryant's visit heralded the mobilization of a right wing, Christian fundamentalist backlash against emerging gay citizenship claims in Alberta. In particular, her visit was the catalyst that launched the issue of homosexuality in the public education system to the forefront of the public agenda. She also propagated the first wide-scale image of gays and lesbians as child molesters - an image that has kept many GLBT people working in the public school system closeted ever since.

The conflict over gays in the classroom played out most publicly between the Alberta Teachers' Association (ATA) and the Alberta School Trustees' Association (ASTA) immediately after Bryant's visit. An article published in the ATA's newsletter indicated that a number of teachers had been involved in the protest against Bryant - a claim that elicited anger and substantial opposition from Christian rural school board trustees in Southern Alberta:

> "That was sufficient to indicate to us that teachers were not only sympathetic to the protest marchers, but actually joined them and were probably included among the gay population," said Brooks [a member of the Cardston School Board].[27]

As a result, the Cardston School Board submitted, and passed, a resolution to the Southern Alberta School Trustees' Association, calling on the provincial government *not* to adopt legislation "that will in any way restrict any local jurisdiction in dealing with proven instances of homosexuality among any of its paid employees, elected officials, or student enrollments according to the adopted policy of that jurisdiction".[28] The resolution was subsequently passed by the province-wide Alberta School Trustees' Association by a slim majority (329 to 318), with a discernable split between urban and rural trustees.[29] The ASTA's resolution caused grave concern among GLBT activists in Alberta, and accelerated their lobbying efforts throughout the remainder of the decade to achieve inclusion of sexual orientation in the IRPA. In the 1970s, however, neither side in the conflict could predict that the issue of gay and lesbian teachers in the classroom would become the defining battleground for GLBT equality rights in the 1990s. Anita Bryant's campaign and its aftermath, therefore, demonstrate how the re-establishment of conservative Christianity in Alberta politics diminished opportunities for GLBT people working in the public school system in the province.

The decriminalization of homosexuality and the early years of the1970s, therefore, offered great hope and optimism for GLBT people in Alberta. The political opportunities began to open up and GLBT activists took advantage of the promising future. The end of the Social Credit electoral dominance and the election of a new Conservative government offered a new beginning. The introduction of the *Individual's Rights Protection Act* and the legislative hearings of the Alberta Human Rights Commission reflected openings in the state for Alberta citizens to influence change. Nevertheless, the backlash was not long in coming. Despite being integrated into the state, or rather because of it, the religious right began constricting opportunities for GLBT activists to affect progressive social change - particularly in the school system. These constrictions would continue to grow into the 1980s, as the next section demonstrates.

V The 1980s: Battening Down the Hatches in an Era of Uncertainty.

Cleaving a Divide between Urban and Rural Voters: Stymieing Social Change.

One of the ways that the constriction of political opportunities of the 1980s became apparent was through the emerging cleavage between urban and rural citizens in the province. In their comparative study of western European countries, Kriesi et al. argue that the urban-rural cleavages in those countries have been pacified and that farmers maintain important political positions in all of the countries studied.[30] Similar to their arguments made about religious cleavages, the institutionalization and pacification of the interests of farmers in Alberta would, according to their logic, provide increased 'space' for new social movements to place their issues on the public agenda.[31] However, in reality the institutionalization of farmers into Alberta politics did not result in an increased political space for the interests of the gay and lesbian movement. In most instances, the opposite occurred.

In Alberta, the institutionalization of farmers can be seen in the consistent overrepresentation of rural voters in the legislature. Despite starting to lose support in many urban ridings in the 1980s, rural voters steadfastly supported the Conservative party:

> Rural Alberta, as it has been for more than two decades, is a Tory power base. Rural voters, over-represented in the legislature - three quarters of Alberta' population is urban, but half the legislative seats are rural - faithfully returned Conservative MLAs even as city voters began to have their doubts. When former Tory leader and Premier Don Getty lost his Edmonton seat in the 1989 election, he fled to the safety and certainty of rural Stettler, where grateful and politically astute voters gave the premier 71 percent of their votes in a by-election, and then watched the money roll in. Rural Alberta has been good to the Tories. The Tories have returned the favour.[32]

The institutionalization of farmers into the political system has pacified the rural/urban cleavage to a large degree in Alberta. Their institutionalization has meant, however, that the socially conservative views of the rural constituencies have maintained a stronghold on social policy in the province.

Gay and lesbian social movement actors interviewed for this study, for example, argued that the main reason the provincial government would not amend the *Individual's Rights Protection Act* in the 1980s and 1990s to include sexual orientation as a prohibited grounds of discrimination, was due to the influence of the rural, conservative voters.[33] Liz Massiah, an activist with Gay and Lesbian Alliance from 1983 until the mid-1990s, argues that despite consistent support of the province's human rights commission, the rural vote stopped the Conservative Caucus from amending the IRPA:

> We had the human rights commission onside…We did a very good job of educating them. We'd get a new commissioner and we'd go in there and in no time flat we'd have them educated and work very collaboratively with them. We had lots of support, but we just couldn't get it passed caucus…It wouldn't be through today if it wasn't for Delwin Vriend and the Charter. The rural constituency is just so full of fuddy-duddies, and so rural and so strong that it wouldn't have happened. [34]

While support for the Conservative may have declined in urban areas during the 1980s, rural voters continued to support the Conservative party. In Alberta, therefore, the institutionalization and pacification of the interests of rural voters did not provide increased 'space' for new social movements to place their issues on the public agenda. Instead, the case of GLBT citizenship claims demonstrate that the opposite occurred, in that the rural influence actually hindered the acceptance of their claims in the political arena. The next section will examine the issue of cultural framing and how it was used to influence the opportunity structure in Alberta in the 1980s.

Clamping Down on 'Dirty' Sex: Cultural Framing of Gay Sexual Practices by Police in Canada and Alberta.

Gary Kinsman argues that in the 1970s the state undertook bathhouse raids in Toronto and in other parts of Canada in an attempt to perpetuate the cultural belief of gay men as sleazy and dirty:

> The police and the media attempted to associate the bath and its patrons with sadomasochistic practices and sexual paraphernalia, conjuring up images of sexual sleaziness, deviance, and violence. The association of gay sex with dirt was also made clear in the code name "Operation Soap" given the 1981 police war on the gay community, incorporating an image of dirty gay sex being cleansed from the social body by police action.[35]

Alberta in the 1980s was a decade of police harassment of gay men and their sexual spaces. In 1981 the Edmonton police raided the Pisces Spa in an attempt to clamp down on 'illicit' homosexual activity. Despite the decriminalization of homosexuality, the *Criminal Code of Canada* still allowed police to charge persons as "found-ins" in "bawdy-houses", otherwise known as bathhouses.[36] In Calgary, police also clamped down on gay cruising and the emergence of GLBT people in public spaces in general. The Calgary police in some cases refused to take complaints of harassment or gay bashing seriously, or themselves harassed or assaulted gay men in and around Central Park - an area close to the city's gay bars. In 1984, the Calgary Vice-Squad used hidden cameras to videotape the activities of men looking for sexual relations in a downtown Eaton's bathroom, and arrested 12 men for "indecent acts" in April of that year. The Calgary police framed their actions as gathering evidence to stop the "sleazy business" of indecent acts of homosexuality.[37]

Theories of cultural framing are used to explain how both the state and social movement actors struggle to socially construct the meaning of citizenship claims. Meaning frames determine the importance of issues and help to decide whether an issue should be considered a 'private' or 'public' policy issue. Sidney Tarrow argues that social movements:

> ...are deeply involved in the work of 'naming' grievances, connecting them to other grievances and constructing larger frames of meaning that will resonate with a population's cultural predispositions and communicate a uniform message to powerholders and others.[38]

According to Tarrow, social movements select meaning frames strategically, and use them as a way to mobilize support.[39] Similarly, Susan Phillips argues that social movements employ three types of framing as a way of mobilizing support:

> 1)*diagnostic framing* which is the identification of a problem and attribution of blame or causality; 2) *prognostic framing* that suggests solutions and identifies tactics and targets of advocacy; and 3) *motivational framing* which is the rationale for action, of convincing people of the need for and utility of becoming active in the movement.[40]

In Alberta, social movement activists employed the use of both *diagnostic framing* and *prognostic framing* in order to identify problems and propose solutions to the discrimination that GLBT were experiencing. Activists did not, however, participate extensively in *motivational framing* as a way to convince people of the need for or utility of becoming active in the movement – possibly due to the fear that they would be seen to be 'recruiting' people into homosexuality and/or the 'homosexual agenda'. Instead of explicitly trying to motivate people into becoming politically active in the movement, activists instead focused on nurturing the cultural and social needs of the GLBT communities, which in the 1980s consequently resulted in the by-product of a flourishing political movement as people became more secure in their sexuality and more comfortable being publicly out of the closet.

In particular, GLBT social movement actors used cultural framing to challenge dominant conservative constructions of "homosexuals" and "homosexual sex" in Alberta. In opposition to the images being put forward by conservative Christians and members of the Conservative government in the 1980s of homosexuals as sinful, dirty, immoral pedophiliacs, GLBT activists promoted images of upstanding citizens and positive homosexual sexuality to garner support for the citizenship claims that they were making. Cultural citizenship claims and cultural framing will be discussed in more detail in Chapter Three. The next section examines the legal opportunities that opened up in the 1980s with the entrenchment of the *Canadian Charter of Rights and Freedoms.*

Opportunities in a New Legal Structure: The Entrenchment of the *Canadian Charter of Rights and Freedoms, 1982*

While the 1970s provided legal opportunities in the introduction of the *Individual's Rights Protection Act*, the 1980s offered the entrenchment of the *Canadian Charter of Rights and Freedoms* as stepping stone to the achievement of human rights for gays and lesbians.

In her book *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971-1995,* Miriam Smith applies a political opportunity structure analysis to her study of the national gay and lesbian movement in Canada.[41] She argues that the establishment of the *Canadian Charter of Rights of Freedoms* significantly changed the political opportunity structure at the federal level in Canada. In particular, she argues that the introduction of the Charter influenced the direction of the gay and lesbian movement toward a more rights-based agenda:

> The Charter is pan-Canadian in its application and the specific interpretative framework of rights talks depends on the Charter to legitimate its claims, legally and symbolically. The movement was moving away from civil rights in 1980, not toward it. Rights talk would not have occurred *in this specific format* without the changes in the political opportunity structure of Canadian politics that were created by the Charter. Understandably, lesbian and gay activism was drawn into Charter politics because it appeared that litigation under the Charter would succeed; in return, Charter politics rebounded back onto the movement itself, shaping the interpretative framework.[42]

According to Smith, therefore, the introduction of the Charter created a change in the political opportunity structure for gay and lesbian activists, which resulted in a substantial impact on the direction and approaches of the gay rights movement."[43]

One of the impacts of the entrenchment of the *Canadian Charter of Rights and Freedoms* in 1982 was increased legal opportunities for GLBT activists to affect social change. When Section 15 – the equality clause – was created legislators intended for it to remain open-ended, such that the judiciary could possibly expand it to include additional grounds of discrimination.[44] While few GLBT activists in Alberta mobilized to lobby for inclusion of sexual orientation at the time of entrenchment, activists did begin using the Charter to challenge discriminatory laws shortly after it came into effect in 1985. Between 1986 and 1996, there were twenty-five cases in which sexual orientation arguments were made in Canadian courts.[45] A total of six hundred and forty-eight complaints were made on the basis of sexual orientation to provincial and federal human rights commissions during the same ten year period. [46]

While, as Miriam Smith notes above, the Charter changed the political opportunity structure of the national gay and lesbian movement in the 1980s, in Alberta the entrenchment of the Charter did not, in and of itself, significantly change the political opportunity structure at that time. Rather than pursuing legal challenges, throughout the 1980s activists in Alberta continued to use traditional political methods of lobbying politicians and making briefs to legislative committees in order to attain their citizenship goals. The next section demonstrates how GLBT activists did so, despite a decrease in political opportunities.

Structural Constraints on Changing the IRPA: Diminished Opportunities in the Provincial Legislative Committees

At the provincial level, access to legislative committees diminished in the 1980s. Nevertheless, gay and lesbian activists continued to lobby and make informal presentations to the Alberta Human Rights Commission each year between 1980 and 1983, despite the fact that no further public consultations would be held concerning the IRPA until 1993. By 1984 the AHRC had a new Chair, Marlene Antonio, who was firmly in favour of including sexual orientation into the IRPA.[47] The Commission's support that year allowed a third gay and lesbian organization, Gay and

Lesbian Awareness (GALA), accompanied by activists from Calgary, Drumheller, Red Deer and Medicine Hat to meet with Les Young, the Minister of Labour in December, and for the first time with the Conservative Caucus Health and Social Services Committee in 1985.[48]

Frederick Englemann argues that Caucus Committees under the Conservative government in the 1980s had enormous strength to make policy decisions. As a result, however, these Committees rendered opposition members ineffectual in their ability to impact policy decisions:

> The committee structure shows the…legislature at its partisan worst, because there also are, under the dome of the Assembly, policy committees. These committees, however, are not committees of the Assembly, but committees of the Progressive Conservative caucus, meeting in secret, and without record...It is clear that, underlying the caucus committee function, is the notion that any involvement with policy is the clear prerogative of a member of the government caucus.[49]

Thus, while although gay and lesbian activists had support for inclusion of sexual orientation into the IRPA from both the Liberal and New Democrat parties by 1985, the structure of the committee system in the legislature impeded their opportunities for assisting in this type of policy change. GALA representatives also identified that the overwhelming influence of the opinion of Labour Minister Les Young on the Caucus Committee prohibited the passing of the recommendation at that time.[50] Therefore, the intervention from a non-supportive elite, combined with the institutional committee structure resulted in a closing of political opportunity at that time.

Shifting Landscape and Successful Openings: Electoral Opportunities in the 1980s.

While the early 1970s provided significant electoral opportunities, further opportunities to address GLBT citizenship goals - such as health care provision for HIV+ gay men - would not come until much later in the 1980s. GLBT people in Alberta had by that time been organizing and privately funding HIV/AIDS organizations for two years, and yet had failed to secure any provincial funding to assist them in their efforts. The 1986 election and the declining electoral fortunes of the provincial Conservatives provided an excellent political opportunity for accessing much needed HIV/AIDS funding.

Keith Archer argues that by the 1986, the provincial Conservative government had faced two major setbacks that decade: 1) the collapse in the world price for oil from $44 a barrel in 1981 to $10 a barrel by 1986 and the resignation of the extremely popular Peter Lougheed as Premier in 1985.[51] Don Getty had succeeded Peter Lougheed as Premier the previous year and then faced a tough election in 1986, which decreased their seats in the legislature from 75 to 61.[52] Moreover, the electoral voter turnout dropped from 66 to 47.3%, the lowest rate ever recorded in Alberta at that time, mostly at the expense of the Conservative Party.[53] At the same time, the New Democrat and Liberal parties went from 0 to 4 seats and from 2 to 16 seats respectively[54], unsettling but not upsetting the

Conservative majority in the legislature. The political instability of the 1986 election, therefore, provided an opening in the political opportunity structure to access state funding for HIV/AIDS organizations, as noted by former AIDS activist Barry Breau:

> "Our first grant from the province came with the election of Don Getty as Premier. We got approval for a grant to AIDS Edmonton and AIDS Calgary during the last two weeks of the election. They gave us grants so they would keep us out of the media, because we were threatening to go to the media to make an issue about the government not supporting care and not supporting prevention".[55]

GLBT activists, therefore, used electoral opportunities to influence the actions of state actors to achieve their citizenship goals of state funding and support.

Another political opportunity presented itself in the aftermath of the March, 1989 election. During that election the Conservative Party again lost seats in the legislature, down to 59 from 61. Specifically, as Keith Archer notes, the party lost a significant amount of support from the urban areas and became increasing reliant on small town and rural support.[56] Nevertheless, that year Elaine McCoy, the MLA for Calgary West, was re-elected and appointed the new Minister of Labor. Political scientist Linda Trimble argues that the appointment of Elaine McCoy was symbolic of the post-election contradictory actions of the Conservative government:

> The 1989 election results revealed a significant Conservative decline, particularly in the urban ridings, leading the Getty government to respond in a seemingly contradictory fashion in an attempt to win back the cities while holding rural support. This dual focus is reflected in the cabinet. There are several progressive Tories, including relative newcomers like [Elaine] McCoy and Health Minister Nancy Betkowski, who are in favour of "women's

> issues" policies and support a philosophy best described as liberal feminist…But a different group…exhibits traditional values about gender roles. The traditionalists, supported by the antifeminist group The Alberta Federation of Women United for Families, resist feminism and assert the primacy of traditional families and the need to return to Judeo-Christian ethics.[57]

The appointment of McCoy after the 1989 election, therefore, provided another political opportunity for gay and lesbian activists in Alberta. One of McCoy's first moves as Labour Minister was to announce that she would be taking a proposal to the full Conservative Caucus recommending including sexual orientation in the IRPA.[58] Despite the fact that gay and lesbian activists had been lobbying for eleven years to include sexual orientation into the IRPA, this public statement marked the first time that a Conservative Cabinet Minister acknowledged and/or agreed with their claims for human rights protection. With support from the Liberal and New Democrat parties already secured, the gay and lesbian group GALA (Gay and Lesbian Awareness) lobbied the Conservative party hard that year to ensure the passage of McCoy's proposal. Nevertheless, the proposal to include sexual orientation into the IRPA was voted down in the Conservative caucus, in part due to the moral opposition of a minority of rural conservative MLAs, and more generally due to the majority of MLA's fears of constituent backlash at the polls.[59] Therefore, although the election and subsequent cabinet appointment of Elaine McCoy provided an opportunity for GLBT activists to achieve the goal of including sexual orientation into the IRPA, there was not enough support from the rest of her cabinet colleagues to achieve that goal.

The 1980s provided both electoral opportunities for achieving GLBT citizenship goals and political opportunities to lobby for the amendment to the IRPA. These opportunities were negotiated between the social movement actors and the state. The result for GLBT activists was a fairly consistent increasing number of political opportunities in gaining access to the centre of political decision-making over the years - the Conservative Cabinet. While activists were able to access first the public hearings and then private meetings with the Alberta Human Rights Commission, a quasi-bureaucratic body within the Alberta government, as the years passed they accessed and received support from some members of the governing party - first the Caucus Health and Social Services Committee and then the Conservative Caucus as a whole. Thus, while activists did not in the end meet with the Conservative Cabinet, nor achieve their public policy goals by lobbying the committee system, their consistent lobbying for legal inclusion over the years did result in progressively more political opportunities to meet with individuals that could implement those goals.

The Emergence of Influential Allies: Medical Professionals and the Attainment of Health Care Services for GLBT People in the late 1980s.

Sidney Tarrow identifies the availability of influential allies as an important element in mobilizing social movements. Tarrow argues that social movement actors are more likely to mobilize when they perceive that they have supportive alliances:

> Challengers are encouraged to take collective action when they have allies who can act as friends in court, as guarantors against repression or as acceptable negotiators…That success hinges on having "friends in court" does not prove that people mobilize because they have such friends; but it does suggest that links between challengers and members of the polity can produce a greater chance of success for outsiders.[60]

In Alberta, members of the medical community have acted as influential allies to GLBT social movement actors who have assisted them in achieving particular public policy goals. In particular, physicians have acted as 'acceptable negotiators' for attaining both state funding for HIV/AIDS as well as state funding for sex-reassignment surgery (SRS) for transsexuals. The success of achieving these GLBT citizenship goals rests in part with the medicalization of these citizenship goals and in part with the professionalization of the medical decision-making. Juanne Mancarrow Clarke argues that the power of medical physicians is such that they are able to transform what is conceived to be a 'moral issue' into a scientific, medical issue deserving of treatment:

> Illness, in this perspective, is legitimated deviance. The physician, as the labeller of illness, can be thought of as a moral entrepreneur. Calling behaviour illness rather than sin is a moral act. The consequence, for instance, of labelling drug addiction as an illness rather than a moral weakness results in the minimizing of punishment and the avoidance of moral condemnation. The addicted person is treated with sympathy rather than with opprobrium. The choice of label is a moral act. It is an instance of…medicalization.[61]

Many Alberta politicians consistently resisted providing funding to assist persons with HIV/AIDS due to their ideological construction of persons with HIV/AIDS as morally unworthy, and thus unworthy of state support.

The success, however, of achieving funding came about in part due to the persistent lobbying efforts of GLBT social movement activists and in part due to the influence of appropriately placed supportive physicians. In Alberta, the establishment of an AIDS coordinator was promoted from within the provincial health bureaucracy by Dr. John Waters, director of the Communicable Disease Control and Epidemiology, and Dr. Barbara Romanowski, the Director of Sexually Transmitted Disease Control. According to AIDS activists, Waters and Romanowski were extremely active working on AIDS issues, alongside grassroots gay communities.[62] These two physicians were key players in securing HIV funding and a provincial AIDS policy.[63] Their re-framing of HIV/AIDS as a medical issue rather than a moral issue challenged the belief that persons with the disease were deviant. This medicalization of HIV/AIDS has challenged the right of conservative religion to categorize the disease:

> ...[S]ometimes what is defined as a deviant, unusual, or unacceptable feeling, behaviour, or attitude is seen as actually a medical problem. Sometimes some of these problems may also fall within the realm of religion or law. For instance, AIDS is [now] viewed as a disease by the medical care system. It has also been seen as evidence of sin by some churches in their homophobic focus on 'immoral' sexual behaviour of a person who has been thus diagnosed.[64]

Medicalizing HIV/AIDS removed the political focus away from personal moral responsibility for obtaining the disease (ie conceptions of promiscuous men committing immoral homosexual acts) and placed it firmly into the responsibility of the medical profession and the state to respond to the needs of citizens in need of care. Thus, the medicalization of HIV/AIDS in Alberta by supportive medical allies assisted GLBT activists to secure state funding for HIV/AIDS programs and healthcare.

Another GLBT citizenship goal that was achieved through the assistance of medical professionals was state-funding for sex-reassignment surgeries. Alberta began covering the costs of SRS in 1988, after a significant amount of lobbying by Dr. Lorne Warneke, a psychiatrist and gay rights activist in Edmonton who had started counselling transgender patients in the 1970s.[65] Dr. Warneke argues that Alberta Health most likely agreed to cover SRS in the 1980s due to the addition of Gender Identity Dysphoria as an official diagnosis listed under the American Psychiatric Diagnostic and Statistical Manual at the time.[66] Gender Identity Dysphoria (now referred to as Gender Identity 'Disorder') was added to the list of psychiatric conditions in 1980, only seven years after sexual orientation was removed.[67]

Dr. Warneke also argues that his work with and persistent lobbying efforts on behalf of transgender people also influenced Alberta Health's decision to include SRS in the list of covered services; a claim that is borne out by the degree of prominence that the provincial Department of Health places on the medical system when approving sex-reassignment surgery for transgender people.

Researchers for a study on transgender law reform in Vancouver outline how public policy and the legal system have come to rely completely on the medical profession for determining questions of gender:

> The fact that the courts look to medicine for answers to the question: male or female, gives medicine an enormous power, since its answers have significant legal consequences. And because the law relies so heavily on medicine, medicine has an even greater power to define and enforce what "transsexual" means and the steps one has to take to satisfy the medical profession that is who one is...If a transsexual person requests SRS, how can the doctor be sure that it is the right treatment? In order to protect themselves from lawsuits, the medical profession requires that a transsexual have a psychiatric diagnosis requiring the surgery. Though you may be able to have breast reduction or enhancement surgery, or facelift, etc., essentially on demand, you cannot have SRS without a psychiatrist's letter saying you need it.[68]

Issues of biological determinism versus the social construction of gender, and the medicalization of both transgenderism and SRS are hotly debated issues within transsexual communities.[69] This study will not examine this debate, however, except to note that many transsexuals in Alberta have sought out medical professionals in order to undergo SRS and some medical professionals, such as Dr. Warneke, have consistently supported their citizenship claims for medical intervention. The issue of SRS surgery and transgender health care in Alberta will be examined in more depth in Chapter Four.

The support of medical allies, therefore, has assisted GLBT social movement actors to access state funding for both HIV/AIDS and SRS in Alberta. The presence of medical allies, combined with the fact that one of those influential allies was also a gay rights activist, contributed to a favourable opportunity structure that allowed for the achievement of public policy changes for the GLBT community. It also demonstrates how the agency of the activists themselves influenced both the political opportunity structure and the decision-making processes of the state, in order to achieve their public policy goals, when the appropriate supports were in place.

The 1980s, therefore, reflect a time of re-trenchment on the part of both the provincial state and the actors within the GLBT provincial movement. The legal and political disappointments of the 1970s, combined with the impact of HIV/AIDS on the GLBT communities in the early 1980s, diminished the SM actors available for mobilization. Despite these setbacks, a few activists continued to try and lobby for change throughout the 1980s.

The state, however, offered few opportunities for influencing change. The established political strength of rural citizens who opposed rights for gays and lesbians blunted any lobbying efforts of GLBT activists during the decade. And, in the wake of decriminalization, police forces constructed gay men as dirty and immoral and began cracking down on bathhouses and other gay sexual spaces. The entrenchment of the Charter provided a glimmer of hope for activists seeking legal changes, nevertheless its impact would not be felt in Alberta during the 1980s. The political and economic instability of the mid-1980s began to offer a few opportunities for electoral influence - reflected in the achievement of

HIV/AIDS funding for community organizations and a few opportunities to move forward on legal inclusion in the IRPA. In the 1980s, however, the most support for GLBT citizenship goals came not from the state but from allies in the medical field, who assisted in the attainment of state support for sex-reassignment surgery and broad policies and funding for HIV/AIDS in the province. The next section explores the rise of neo-liberalism in the 1990s, and its impact on the opportunities for the further achievement of GLBT citizenship goals.

VI The 1990s: The Rise of Neo-Liberalism and the Strengthening Resolve of the GLBT Movement in Alberta.

The rise of neo-liberalism in the early 1990s considerably lessened the political opportunities available to GLBT activists in Alberta. The year 1992 marked a significant upsurge in right wing political activism and decreased political tolerance of gays and lesbians on 'moral' grounds in Alberta. It also signified a closing of political opportunities for GLBT organizers due to the election and growth in power of neo-conservative and neo-liberal government members. By 1992, the Reform party had grown in strength and momentum in Alberta and was considering establishing a provincial wing in the province. As a result, Conservatives under Don Getty moved distinctly to the right of the political spectrum in order to redeem the party's support with the electorate:

> Like a ship breached by high seas, Alberta's Tories began to list ever more violently to the right. Constitutional hearings held throughout the province in 1991 saw Alberta Tories parrot Reform in opposing such things as the Charter of Rights and Freedoms, official bilingualism, and multiculturalism, while favouring increased provincial rights and the establishment of a Triple-E Senate...The Tory's rightward shift began to pay dividends. An Angus Reid poll conducted in January 1992, showed the Tories with a slim lead over the NDP and the Liberals.[70]

In 1992 Ralph Klein replaced Don Getty as leader of the Conservatives with significant support from Reform party members.[71] By the 1993 election the Conservative party had managed to hold onto their majority in the legislature, but decreased their number of seats from 59 to 51.[72] That election also saw the rise of the Liberal opposition, attaining a total of 32 seats.

The rise of neo-liberalism in Alberta resulted in the emergence of politicians who openly shunned the inclusion of human rights for GLBT people, even when public opinion was starting to demonstrate some support. In the aftermath of the 1993 election, anti-feminist[73] Dianne Mirosh was appointed as the Community Development Minister, the new portfolio responsible for the Alberta Human Rights Commission. Despite a lack of inclusion of sexual orientation in the IRPA, the Commission had begun taking complaints on this basis after Delwin Vriend was fired from his job as an instructor at King's College. The Minister, however, moved quickly to stop the Commission from taking complaints from gays and lesbians, and argued that "gays and lesbians are having more rights than anybody else" (mistakenly believing that gays and lesbians were already covered by the IRPA).[74] Mirosh's appointment as a Cabinet Minister, therefore, closed an opportunity that had developed within the Alberta bureaucracy to assist gay and lesbian citizens that faced discrimination.

After the 1993 election Ralph Klein appointed Stockwell Day as Labor Minister. Day, a former fundamentalist Baptist minister and MLA for Red Deer North, espoused deeply conservative Christian beliefs and did not hesitate to incorporate those views into his work as a Cabinet Minister.[75] Day exerted his influence as Treasurer in 1997 when the Alberta Museums Association approved a $10,000 grant to the Red Deer and District Museum for a study of gay life in central Alberta. Stockwell Day and another Red Deer MLA, Victor Doerksen, voiced strong opposition. Day attempted to have the grant rescinded, forcing the Community Development Minister Shirley McClellan to review the granting of the award.[76] For both Day and Doerksen, the gay life study was seen as a public promotion of a particular lifestyle choice that was "morally wrong and both physically and psychologically unhealthy", voicing their opposition as fundamentalist Christians.[77] The Community Development Minister responsible for culture, Shirley McClellan, dismissed the complaints, however, and supported the granting decision to the Museum.

The rise of neo-liberalism in Alberta during the early and mid 1990s and the move to the right by Ralph Klein and the Conservative party constricted the political opportunities of GLBT movement actors at that time. As the Conservatives tried to recoup their electoral fortunes, the party aligned itself much more precisely to the right of the political spectrum in an attempt to respond to the political challenges of the Reform party and perceived voter preferences.

The emergence of politicians that openly shunned homosexuality coincided with the approach of the state to culturally frame gays and lesbians and homosexual sex as abhorrent and immoral. While in the 1980s the state used police coercion to subdue GLBT sexual practices, in the 1990s it was replaced by the use of state censorship of GLBT sexual art. The performance art of the Vancouver-based lesbian theatre troupe *Kiss and Tell* at the Banff Centre for the Arts in November 1992 became a lightening rod for legislative censorship. The troupe used their performances to foster discussion about pornography, erotica and sexuality, and showed videotapes depicting lesbian sexuality. Their work outraged members of Alberta's legislative assembly, including Deputy Premier Ken Kowalski, who, without having seen their work, described it as "that abhorrent lesbian show".[78] In response, Kowalski, accompanied by Labour Minister Stockwell Day, and Dianne Mirosh, the Minister provincially responsible for both culture and human rights[79] attempted to censor both the appearance of homosexual shows in institutions funded by the province, and arts funding for cultural events in Alberta *in general*.[80]

While government members framed the conflict in terms of establishing community standards around pornography, GLBT people and their allies framed the conflict as state censorship of GLBT art and identity.

As a result of the conflict over meaning frames, a powder keg debate sparked over the role of the Arts in Alberta in general. As a result, gays and lesbians were joined by many allies in the Arts to protest government artistic interference and their attempts to police the 'community standards' of public spaces.

In response to the attempts at censorship in the 1990s, the GLBT community also created their own cultural meaning frames to combat the negative stereotypes being perpetuated by the state. GLBT members constructed positive cultural expressions of sexuality through the flourishing of gay pride celebrations, studies of gay and lesbian life, and further performances of *Kiss and Tell* in the province. As a result, GLBT communities thrived throughout the decade, building community pride and strength, and thrusting GLBT sexuality out into the open for all to see. These cultural struggles provided the backdrop for the struggle for human rights that would unfold in the courts between the state and GLBT people in the 1990s, as discussed below.

Closing Political Doors and Opening Legal Windows: The Struggle To Include Sexual Orientation in the *Canadian Charter of Rights and Freedoms* in the 1990s.

In the late 1980s and early 1990s, GLBT activists attempted to use political means to have sexual orientation included into the *Canadian Charter of Rights and Freedoms*. When the House of Commons standing

Committee on Justice and Legal Issues established a subcommittee to examine the impact of Section 15 of the Charter on federal law in 1984, over 40 gay and lesbian groups from across Canada made submissions.[81] The final report *Equality for All* was released in 1985, calling for the amendment of the *Canadian Human Rights Act* to include sexual orientation as a prohibited ground of discrimination. The federal Conservative government's response was to agree that they would take 'whatever measures necessary' to ensure that sexual orientation was read into the *Canadian Charter of Rights and Freedoms.*[82] Nevertheless, the federal government never followed through on its promise, and activists were forced to use litigation as a means to challenge discriminatory laws.

A decisive Charter challenge was introduced in Ontario when Joshua Birch, a member of the Canadian Armed Forces, was denied promotions, postings or military career training and then released from the service on medical grounds when it was discovered that he was a homosexual.[83] Birch attempted to file a complaint with the Canadian Human Rights Commission, but was prohibited from doing so when the Commission argued it had no legal ability to deal with complaints on the basis of sexual orientation. After launching a legal battle, in 1992 the Ontario Court of Appeal decided in *Haig and Birch v. Canada* that a prohibition against discrimination on the basis of sexual orientation should be 'read-in' to the *Canadian Human Rights Act.*[84] The legal decision was celebrated by gay and lesbian activists at the time; however, the federal government did not actually amend the Act to include sexual orientation until 1996.

The relevance of this decision for GLBT activists in Alberta is not simply that they became able to launch complaints with the Canadian Human Rights Commission. Rather, the *Haig and Birch* decision provided the ground work for the subsequent Supreme Court in *Vriend* – a case that would become central to the achievement of legal rights in Alberta. As Kathleen Lahey notes, the *Haig and Birch* decision provided a new tool for the interpretation of human rights legislation:

> In retrospect, Haig and Birch appears to have formed the real turning point in the jurisprudence on 'sexual orientation'. Not only did it place the imprimatur of the prestigious Ontario Court of Appeal on the inclusion of 'sexual orientation' as an analogous ground under section 15 (1) of the Charter, but it also employed the innovative 'reading in' remedy in relation to 'sexual orientation'. Because discrimination on the basis of sexuality has so often resulted in legislative 'silence' rather than in facially discriminatory provisions, use of the 'reading in' remedy gave the courts a concrete way to eliminate discrimination.[85]

Reading sexual orientation into laws by judicial interpretation rather than through legislative amendment provided a legal opportunity to GLBT activists in Canada when their politicians refused to acknowledge their rights. Chris Hilson argues that the choice by social movement activists to litigate often occurs when political options are not available: "[A] lack of PO [political opportunity] may influence the adoption of litigation as a strategy in place of lobbying, and…the choice of protest as a strategy may be influenced by poor political and legal opportunities."[86] Hilson's study examined the political opportunity structure for four movements (the women's movement, the environmental movement, the animal welfare movement and the lesbian and gay movement) in the United Kingdom and at the European Community (EC) level. Hilson argues that for all four movements the domestic political opportunity structure was poor, as was the political opportunity structure at the EC level (except for the environmental movement). Hilson found that, as a result, "[l]itigation strategies were therefore utilized by all the movements under consideration as a means of attempting to outflank one or both levels of restricted PO."[87] In other words, if political opportunities are poor, legal challenges are more likely to be pursued.

Many gay and lesbian social movement activists in Canada chose the legal route when politicians kept refusing to protect them from discrimination and/or address other citizenship goals. This was the case for Albertan Delwin Vriend in 1991. That year Delwin Vriend, a chemistry lab instructor at King's College (a private Christian liberal arts college affiliated with the University of Alberta) was fired from his job when his homosexuality became public knowledge outside of the college. When Vriend tried to file a complaint with the Alberta Human Rights Commission, they refused to take on his case because sexual orientation was not included in the IRPA. In February 1992, Vriend filed legal action against the province and King's College, arguing that the provincial

Individual's Rights Protection Act contradicted Section 15 of the *Canadian Charter of Rights and Freedoms.*

In April 1994, Court of Queen's Bench Justice Anne Russell ruled in Delwin Vriend's favour, arguing that the IRPA contravened the *Canadian Charter of Rights and Freedoms*, and giving the province 30 days to appeal the decision before sexual orientation would be read in.[88] The province appealed the decision to the Alberta Court of Appeal, which overturned the lower court's decision in 1996. GALA activists did attempt further lobbying efforts to get the government to amend the *Act*, despite the Alberta Court of Appeal decision. The provincial government refused to do so, however, and as a result, Delwin Vriend appealed the Alberta Court of Appeal ruling to the Supreme Court of Canada. [89] On April 2, 1998, the Supreme Court of Canada ruled that sexual orientation must be 'read-in' to the provincial human rights code in Alberta as a prohibited ground of discrimination.

Therefore, when the doors of political opportunity remained closed to GLBT activists in the 1990s, they chose a legal route instead. Their efforts resulted in an opening of a legal structure - the Charter - to include sexual orientation and to provide human rights protection in Alberta and beyond.

VII Conclusion

Throughout the decades studied, certain social, political, legal and cultural factors have influenced the opportunities available to GLBT social movement actors to achieve their citizenship goals. Social factors, such as the rise in strength of the religious right and the cleavage between urban and rural citizens have restricted the efforts of activists to achieve social change. Struggles over cultural framing and the meaning of homosexuality, as well as the place of homosexual sex in the public sphere played out over these three decades. GLBT activists used the cultural meaning frame of 'equal rights' to describe their citizenship claims and challenge their relegation to the 'private sphere', while at the same time promoting the libertarian argument that there were certain spaces that the state had no business legislating or monitoring, such as bathhouses, cruising areas and cultural arenas. Therefore, while GLBT activists on the one hand framed their demands for inclusion as 'equal citizenship', on the other hand they also framed certain sexual practices as 'liberties' to be guarded from interference by the state. The 'success' of the GLBT movement to challenge the meaning frames of the state grew more apparent as the years went on, such that by the 1990s the movement was able to mobilize significant allied support to thwart provincial censorship of lesbian performance art.

Certain political factors have also influenced the political opportunity structure in Alberta: provincial electoral changes, access to state power through legislative hearings, and the availability of influential medical allies. Each of these three factors has provided openings and constrictions in the political opportunity structure over time between 1968 and 1998. While the election results in the 1970s and late 1980s offered opportunities for GLBT movement activists, the rise of neo-liberalism in the 1990s constricted the manoeverability of social movement actors to achieve many of their GLBT citizenship goals. And, although gay and lesbian activists actively used the legislative committee structure in the 1980s to garner both public and political support for inclusion of sexual orientation into the IRPA, the structure of the committee system, and the control of the ruling Conservative party on committee decision-making impeded the attainment of this policy change. Nevertheless, the lobbying work done by activists within the committee structure did result in consistently increased access to more influential decision-making bodies over the years. Finally, the support of influential medical allies affected the political opportunity structure in Alberta by encouraging the state to address two important public policy issues in the 1980s and the 1990s: health care for those with HIV/AIDS and sex-reassignment surgery for transgender citizens. The analysis of these two issues demonstrates how the agency of social movement actors themselves can influence the decision-making of the state when appropriate supports, such as supportive medical professionals, are in place.

Finally, the changing legal landscape also had a particular impact on political opportunity structure in the province over these three decades. Four structural changes led to an improvement in the legal status of GLBT people in the province: 1) the federal decriminalization of homosexuality in 1969; 2) the introduction of the provincial *Individual's Rights Protection Act* in 1972; 3) the entrenchment of the *Canadian Charter of Rights and Freedoms* into the Canadian Constitution in 1982; and, 4) the subsequent struggle to have sexual orientation included as a prohibited ground for discrimination into both the Charter and the IRPA, culminating in a favourable Supreme Court decision in 1998. While decriminalization and the introduction of the *Individual's Rights Protection Act* were enacted with little input from GLBT activists, the addition of sexual orientation into both the IRPA and the Charter were actively pursued by gay and lesbian social movement actors. The chapters that follow will examine many of these legal, political, social and cultural issues in more depth, to explore how they have contributed to the citizenship development of GLBT people in Alberta over time.

Notes to Chapter Two

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[1] William Carrol (1992). *Organizing Dissent: Contemporary Social Movements in Theory and Practice*. Victoria: Garamond Press, p. 6.
[2] Engel, Stephen (2001). *The Unfinished Revolution: Social Movement Theory and the Gay and Lesbian Movement*. Cambridge: Cambridge University Press, p. 183.
[3] Ibid.
[4] In 1957, after studying the issues of prostitution and homosexuality in England, the British government produced a document entitled The Wolfenden Report. The most significant repercussion of the Report for people of marginalized sexualities was that it established a distinction between the public and private spheres, and argued that British law need not be involved in policing the 'private' spheres of its citizens. In essence, the Report argued that legislation should be concerned with 'crime' in the public arena, but that issues of private 'sins' (such as homosexuality) could be left to either to the judgment of religious institutions, or to the treatment of medical practitioners. After a significant delay, the Report's recommendations concerning homosexuality were implemented in 1967, when the Sexual Offences Act removed criminal sanctions for sex between adult males in private. The age of consent for homosexual activity (21 years of age), however, remained higher than for heterosexuals (16 years of age), and the penalties for breaking the law with a minor increased. Nevertheless, the Wolfenden Report and the subsequent liberalization of laws vis à vis homosexuality reflected a change in the relationship between the British government and its gay, lesbian and bisexual citizens.
[5] Gary Kinsman (1987). *The Regulation of Desire: Sexuality in Canada*. Montreal/New York: Black Rose Books, p. 162.
[6] Ibid, p. 163.
[7] Ibid, p.164.
[8] Sidney Tarrow (1994). *Power in Movement: Social Movements, Collective Action and Politics*. New York: Cambridge University Press, p. 87.
[9] Larry Pratt (1984) "The Political Economy of Province-Building: Alberta's Development Strategy", 1971-1981, in David Leadbeater (ed) *Essays on the Political Economy of Alberta*. Toronto: New Hogtown Press, p. 203.
[10] Alberta's first bill of rights, *An Act Respecting Human Rights* had been passed by the Social Credit Party in 1966, prohibiting discrimination in employment, public services and accommodation on a limited number of grounds: the basis of race, religious beliefs, colour, ancestry or place of origin.[10] The bill of rights was expanded to include sex, age and marital

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status (in certain instances) by the Conservative government in 1972, and re-named the *Individual's Rights Protection Act*.

[11] "A Partial Chronology of the Edmonton Gay/Lesbian History", by Maureen Irwin, unpublished and undated, p.2.

[12] Sidney Tarrow (1994). p. 87.

[13] Ibid, p. 80.

[14] Susan Phillips (1991). "How Ottawa Blends: Shifting Government Relationships with Interest Groups", in Frances Abele (ed) *How Ottawa Spends, 1991-92: The Politics of Fragmentation*. Ottawa: Carleton University Press, p.188.

[15] "ALGRA Petitions", *Gay Calgary*, Gay Information and Resources Calgary, Oct. 1979:1.

[16] Hanspeter Kriesi, Ruud Koopmans, Jan Willem Duyvendak, and Marco G. Giuni (1995). *New Social Movements in Western Europe: A Comparative Analysis*. Minneapolis: University of Minnesota Press, p. 25.

[17] Ibid, p. 7

[18] Ibid, p. 12-13.

[19] Ibid, p. 25.

[20] Barry Adam, Jan Willem Duyvendak and Andre Krouwel (1999) "Gay and Lesbian Movements Beyond Borders?" in Barry Adam, Jan Willem Duyvendak and Andre Krouwel (eds)*The Emergence of Gay and Lesbian Politics: National Imprints of a Worldwide Movement*. Philadelphia: Temple University Press, p. 353.

[21] Ibid, p. 354.

[22] Ibid, p. 364.

[23] "Anita's Answer", *Gay Calgary*, Gay Information and Resources Calgary, May 1978, p.1 (no author available).

[24] The Coalition included: the Metropolitan Community Church, Dignity Edmonton (gay or gay-supportive members of the Catholic Church), the Boyle Street Meeting of the Religious Society of Friends, Club 70, Jasper Avenue Social Club, Gay Alliance Toward Equality, Gay Youth of Edmonton, the Edmonton Women's Coalition, the Imperial Court of the Wild Rose, the Unitarian Church, the Young Socialists, the University of Alberta Chaplain Association, the Revolutionary Workers' League and the Alberta Human Rights and Civil Liberties Association(Concern Minutes, Feb. 22, 1978).

[25] "Anita's Answer", *Gay Calgary*, May 1978: 1 (no author available).

[26] The protest was organized by Coalition members in Edmonton, with members from church groups, labour unions, the Alberta Teachers Association, the Alberta Human Rights Commission, as well as participants of the organizing committees. Protestors carried signs and slogans saying "Save Our Children From Bigots", "God loves Gays", and "God Loves Gays, Doesn't She?" Shortly after Bryant's visit, the Metropolitan Community Church and the Unitarian/Universalist Church held an ecumenical service in Edmonton, thus challenging Bryant's

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Christian interpretation of the "sinfulness" and "danger" posed by gay and lesbian Albertans.

[27] "ASTA Takes Quiet Stand", *Calgary Herald*, Dec. 18, 1978, B3 (no author available).

[28] Ibid.

[29] Robert Harris, "School Trustees Vote No to Gay Rights", *Gay Calgary*, Vol. 2, No. 4, Dec. 1978.

[30] Kriesi et al. (1995), p. 13.

[31] Ibid, p. 25.

[32] Barry K. Wilson (1995) "Cultivating the Tory Electoral Base: Rural Politics in Ralph Klein's Alberta", in Trevor Harrison and Gordon Laxer (eds). *The Trojan Horse: Alberta and the Future of Canada*. Montreal, New York and London: Black Rose Press, p. 61.

[33] Interview with Murray Billet, March 27, 2002; interview with Elizabeth Massiah, May 2, 2002.

[34] Interview with Liz Massiah, May 2, 2002.

[35] Gary Kinsman (1987). *The Regulation of Desire: Sexuality in Canada*. Montreal and New York: Black Rose Books, p. 206.

[36] According to the *Criminal Code of Canada,* the definition of a bawdy house is "a place that is (*a*) kept or occupied, or (*b*) resorted to by one or more persons for the purpose of prostitution or the practice of acts of indecency", *Criminal Code of Canada* (R.S. 1985, c. C-46).

[37] Roman Cooney (1984). "Police to destroy tapes after trial", *Calgary Herald*, June 2, B2.

[38] Sidney Tarrow (1994) p. 122.

[39] Ibid, p. 122-123.

[40] Susan D. Phillips (1994). "New Social Movements in Canadian Politics", in James Bickerton and Alain Gagnon (eds) *Canadian Politics 2*. Peterborough: Broadview Press, p. 194.

[41] Miriam Smith (1999). *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking, 1971-1995*. Toronto: University of Toronto Press, p. 110.

[42] Ibid, p. 110.

[43] Ibid, p. 153.

[44] Ibid, p. 67.

[45] Ibid, Appendix I, p. 157-163.

[46] Data taken from Miriam Smith (1999), Appendix II, p. 164.

[47] Agnus Buttner (1985). “GALA Hopes for Legislation to Protect Homosexuals”, *Edmonton Journal*, March 13, B2.

[48] Gay and Lesbian Awareness Civil Rights Committee (1985). "Civil Rights and Homosexual People in Alberta", *GALA Newsletter*, March 6.

[49] Frederick Englemann (1992). "The Legislature", in Allan Tupper and Roger Gibbins (eds) *Government and Politics in Alberta*. Edmonton: University of Alberta Press, p. 151-152.

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[50] Gay and Lesbian Awareness Civil Rights Committee (1985). "Civil Rights and Homosexual People in Alberta", *GALA Newsletter*, March 6.

[51] Keith Archer (1992). "Voting Behaviour and Political Dominance", in Allan Tupper and Roger Gibbins (eds) *Government and Politics in Alberta*. Edmonton: University of Alberta Press, p. 124.

[52] Elections Alberta, *Electoral Summary, 1905-2004*, http://www.electionsalberta.ab.ca/welcome.html.

[53] Ibid, p. 127. That record would remain the lowest turnout until 2004, when the voter turnout then dropped to 44.7 percent, according to Elections Alberta, *General Election 1905-2004: Overall Summary of Ballots Cast and Percentage of Voter Turnout*, http://www.electionsalberta.ab.ca/welcome.html.

[54] Elections Alberta, *Electoral Summary, 1905-2004*, http://www.electionsalberta.ab.ca/welcome.html.

[55] Interview with Barry Breau, May 8, 2002.

[56] The Premier himself lost his seat in Edmonton that election, and was required to run in Stettler to regain a seat in the legislature. Keith Archer (1992). "Voting Behaviour and Political Dominance", in Allan Tupper and Roger Gibbins (eds) *Government and Politics in Alberta*. Edmonton: University of Alberta Press, p. 131.

[57] Linda Trimble (1992). "The Politics of Gender in Modern Alberta", in Allan Tupper and Roger Gibbins (eds) *Government and Politics in Alberta*. Edmonton: University of Alberta Press, p. 235-236.

[58] "McCoy leads on gay rights - Editorial", *Calgary Herald*, Editorial Column, Tuesday, May 16, 1989.

[59] GALA Civil Rights Committee Correspondence to Conservative Party Members of the Legislative Assembly, September 18, 1989.

[60] Sidney Tarrow (1994) p. 88.

[61] Juanne Mancarrow Clarke (2000). *Health, Illness and Medicine in Canada*. Toronto: Oxford University Press, p. 227.

[62] Interview with Barry Breau, May 1, 2002.

[63] Ibid.

[64] Juanne Mancarrow Clarke (2000), p. 217.

[65] Correspondence with Dr. Warneke, February 14, 2003.

[66] Ibid.

[67] "Timeline of Gender Identity Research", *Trans Health*, Issue 4, Volume 1 Spring, 2002. http://www.trans-health.com, April 3, 2003.

[68] barbara findlay, Sandra Labramboise, Deborah Brady, Christine Burnham, Septima (Ron) Skolney-Elverson (1996). *Finding Our Place: Transgender Law Reform Project*. Vancouver: High Risk Project Society.

[69] See, for example, Gordene Olga Mackenzie (1994) *Transgender Nation*. Bowling Green: Bowling Green State University Popular Press for a discussion of some of these debates.

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[70] Trevor Harrison (1995)"The Reform-Ation of Alberta Politics", in Trevor Harrison and Gordon Laxer (eds) *The Trojan Horse: Alberta and the Future of Canada*, Montreal/New York/London: Black Rose Books, p. 54.

[71] David Stewart (1995)"Klein's Makeover of the Alberta Conservatives", in Trevor Harrison and Gordon Laxer (eds) *The Trojan Horse: Alberta and the Future of Canada*, Montreal/New York/London: Black Rose Books, p. 38.

[72] Elections Alberta, *Electoral Summary, 1905-2004*, http://www.electionsalberta.ab.ca/welcome.html.

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CHAPTER THREE

GLBT Culture and Politics in Alberta: Challenging the Public/Private Divide.

I Introduction

For GLBT people, the public sphere - where citizens work, govern and spend significant leisure time - has historically been off-limits for the expression of their sexual and gendered identities. Only in specific private areas have GLBT people been allowed to express these aspects of their identities. In the last thirty years, however, the deep division between the 'public' and 'private' spaces has been increasingly challenged by GLBT people in order to make room for their sexual and gendered identities. This chapter documents the struggles between GLBT people and the state over the expansion of these spaces during the three decades studied.

When GLBT people first started congregating in Alberta in the late 1960s, their spaces were considered by them to be ‘private’, and by the police to be "public". Gay spaces such as speakeasies, bars, bathhouses and social organizations emerged as underground 'safe' places where GLBT people could meet, which in the 1970s converged in the birth of local GLBT cultures.

In the 1980s GLBT challenges to the public/private divide resulted in violent physical retributions as the ways in which gay men challenged the public and private divide began to be more visible. Gay bashing and active police harassment increased dramatically as gay men challenged conceptions of 'public' space by re-defining specific parks and washrooms into areas of cruising and sexual encounters.

In the 1990s the terrain of conflict over the expression of sexual and gendered identities expanded to include more mainstream cultural arenas. In response to explicit cultural expressions of gay and lesbian sexuality, censorship became the provincial state's new tool for repression of this challenge.

The establishment and expansion of GLBT cultural spaces has accompanied and/or predated significant political activism for GLBT citizenship claims in the province. In many cases, the establishment or expression of GLBT cultural activities themselves have elicited opposition from the provincial state. As a result, the defense of GLBT cultural practices have led to very traditional political acts on the part of GLBT people and their allies - such as political protests and lobbying politicians. This study demonstrates, therefore, that for GLBT people culture is an indispensable element of citizenship.

This chapter also demonstrates that the political opportunity structure in Alberta has been influenced by the tactics of cultural framing. Cultural framing was used by both the state and the GBLT movement to mobilize support for their respective positions on the acceptability of GLBT cultural expressions in the public sphere. As a result of the successful mobilization of allies in the Arts, GLBT social movement actors shifted the boundaries of the public/private divide to be more inclusive of cultural expressions of their sexual and gendered identities. The mobilization of GLBT communities and their allies in response to the state repression of gay sexuality in the 1980s, and the censorship of lesbian and gay sexuality in the 1990s has, as a result, led to a stronger sense of identity, safety and belonging within mainstream Alberta communities. In general, this chapter demonstrates how the cultural elements of GLBT citizenship in Alberta have been forged through the struggle toward inclusion.

II Culture as an Element of Citizenship

Over the last forty years the inclusion of specific cultural identities into the structures and practices of citizenship has become commonplace in Canada. Multicultural events are noted and embraced as affirming Canada's immigrant heritage. The unique perspectives of Aboriginal and Quebecois/Quebecoise cultures now merit constitutional consideration. While not all Canadians or Canadian theorists agree upon the role that these diverse cultures should play within Canadian citizenship, their existence, nevertheless, has a place in our collective consciousness.

The cultures of other group-based collectivities such as GLBT people, however, have not had such recognition and/or affirmation within the Canadian consciousness. Nevertheless, many theorists have argued that GLBT people should be viewed as having their own culture and customs that deserve recognition.[1] Brian Walker, for example, describes the markers of gay culture, which he argues are easily identified by both members and non-members of the community:

> Gay men and lesbians make up a cultural group clearly perceived by others as such…Gay and lesbian culture has its own ceremonies and holidays (Gay Pride, the Gay Games) and a disproportionate number of the century's musicians, playwrights, directors, and other artists have been gay or lesbian. There is a distinctly gay literature, and entire bookstores are devoted to its products. It goes without saying that membership in the gay community has a significant influence on the people one chooses as spouses, or spousal equivalents, as well as on the roles one takes in the resulting relationship. At least in the eyes of outsiders, gay men and lesbians have certain distinctive styles of dressing and patterns of consumption that differentiate them from the peoples around them. And there are few cultures in North America whose importance of defending its members against the intolerance and violence of others is more obvious.[2]

In Walker's view, because they do not have a homeland, or a particular claim to land, gays and lesbians constitute a diaspora. He argues that, like other cultural diasporas which have geographic spaces marking cultural territories (such as a Chinatown, a Jewish graveyard or synagogue or an Irish pub), gays and lesbians also have their own cultural spaces, such as gay bars and community centres.

The intense degree to which GLBT cultures have historically been driven either underground or into the private sphere has resulted in a lack of broad public visibility. Without debating the merits of constituting GLBT people as a cultural diaspora, suffice it to say that just recognizing gay culture would significantly challenge the view that gays and lesbians are a 'special interest' group, in which their individual choices of sexual partners are a seen as a lifestyle preference. As Michael Bronski argues, "because gay and lesbian identity is defined by sexual attraction to members of the same gender, sexuality is, necessarily at the heart of gay culture."[3] It is precisely because of this 'difference' from heterosexuals that GLBT people have sometimes not easily assimilated into the mainstream hegemonic norm of citizenship. American political theorist Shane Phelan, for example, argues that GLBT people have not been readily accepted into the structures of society and citizenship because they are "strangers" in their own lands.[4] Phelan argues that these strangers are 'like us', yet not 'like us' at the same time. Unlike other groups in society that are seeking recognition or equality, gays and lesbians do not constitute a population with a fixed territory or unified national, ethnic or racial history that differentiates them from their neighbors. According to Phelan, the more that these "strangers" seek traditional citizenship status, the more they threaten the clear boundaries required for a stable social and political community. As GLBT people seek citizenship therefore, they challenge and/or penetrate the integrity and sovereignty of the heterosexual masculine ideal citizen and state.[5] According to Phelan, GLBT people are like other cultural minorities who seek acceptance within the majority culture, albeit without a territorial or ethnic base that easily identifies the boundaries of their cultural group.

In Alberta GLBT culture developed as a way in which people interested in the same sex could safely meet, socialize, find sexual partners, and develop significant bonds with other like-minded individuals. This culture developed in ways that was simultaneously public and private, reflecting the requirement by institutionalized heterosexuality that homosexual and transgender people remain invisible. Specifically, the signs of nascent GLBT cultures emerged in Edmonton and Calgary through the establishment of gay bars as well as social organizations such as the Imperial Courts of Alberta. The next section examines the emergence of these early GLBT spaces.

III Out of the Shadows: The Emergence of Gay, Lesbian and Transgender Cultures in Calgary and Edmonton

As GLBT people began to emerge from their respective closets and become more visible, two significant developments emerged. First, GLBT people began to contest heteronormative assumptions about the implied "ownership" of "public" spaces. Second, GLBT people paid for their demands for increased citizenship space with an accompanying drastic increase in abuse and harassment from the public at large, and from varying elements of the state, including the police, the courts and members of the governing political party.

In Canada, the decriminalization of homosexuality in the legal realm was followed by a tightening of surveillance and regulation by police forces across Canada. Alberta was not immune to this trend, and police harassment had already begun in major centres by late 1970s. For the most part, the coercion and violence was perpetrated upon gay men and cross-dressers (including drag queens), and not as much on lesbians. Liz Massiah, an Edmonton activist throughout the 1980s, argues that lesbians were not targeted because women's sexuality is not considered "important enough" for either the police or the public to be concerned about.[6] As well, I would argue that the majority of lesbians were not as out, or as visible as gay men; as a result, their presence was not as perceptible to the general public or to the police. Nevertheless, lesbians were always involved in supporting gay men in their struggles against police harassment and intimidation. In particular, gay and lesbian bars emerged as a contested site of both private and public cultural spaces for GLBT people.

The Bars

Prior to de-criminalization, public gatherings of gays and lesbians were almost unheard in Alberta, as most people feared the recriminations that came with being identified as "homosexual". Shortly before the decriminalization of homosexuality in 1969, however, gays and lesbians began to congregate publicly in bars. While many men and women hid their sexuality at work, in civil society organizations, in their churches and often in their families, the anonymity of the bar scene allowed gays and lesbians to tentatively seek out other homosexuals in a manner that limited many possible negative repercussions. Bars provided the first point of contact for emerging gay and lesbian communities in Edmonton and

Calgary, and for gays and lesbians that drove in from other parts of the province. The bars also offered the first public/private space in which gays and lesbians could enact their sexuality. As Micheal Browksi argues, "gay space" is crucial to the development of citizenship for gay and lesbian people:

> The materialization of gay sexuality in the gay ghetto is vital to its health and continuance. Social and physical structures promote cruising and sexual contact…The ability to feel safe enough to hold hands, embrace or kiss on a street corner, to act "campy" in public, to dress in an effeminate or butch manner are all examples of public displays of sexual orientation permitted in the gay ghetto but forbidden or severely regulated elsewhere…The ability to display sexual orientation, and indicate sexual activity, is a prerequisite for visibility of gay people and community. This visibility is, in turn, a prerequisite for organizing and struggling to become public--that is, to have the full responsibilities and privileges of public life and citizenship.[7]

While Browski's analysis focuses on the importance of a gay *ghetto* for the develop of citizenship, nevertheless, in the absence of a ghetto, substantively smaller spaces such as bars are imperative to the development of GLBT identity, community and citizenship.

Certain geographical areas allowed for larger freedom for gays, lesbians and transgender people. As Michael Bronski argues, in Europe and the United States the modern city offered enough complexity and diversity to suit the needs of emerging gay communities, in which individuals could pass for heterosexual at their day job, and be lesbian or gay in their social life.[8] In Alberta these freedoms were provided for more in the urban cities of Edmonton and Calgary than the smaller towns, or rural areas. As a result, many gays and lesbians began to frequent heterosexual bars that became known through word of mouth as "meeting places" in both Calgary and Edmonton[9]. Without legislation to prevent discrimination against homosexuals, however, managers often refused service or evicted them from the premises.[10]

In Calgary, prior to the establishment of a formal meeting place for gays and lesbians, the first large public gathering occurred Hallowe'en night in 1968 at the Highland Golf and Country Club, where about "100 nervous gays showed dressed to the 9's".[11] This gathering led to the formation of the "620" speakeasy in the basement of Calgary's Capital Theatre at 620 8th Avenue, sometime between late 1968 and early 1969.[12] The speakeasy lasted about a year, but closed after the constant attendance of Calgary police.

During the 1960s, police harassment of gays was quite regular in New York City and in North America in general. Vice cops frequented gay bars to entrap and subsequently arrest gay men who tried to solicit them, and raids on gay bars and establishments were commonplace. In Canada and the United States harassment by the police was so prevalent that some gay bars installed red flashing lights to signal patrons to flee, or to change the sex of their dance partner, when a bar was being raided.[13]

The criminalization of homosexuality at this time heightened the precariousness of any organized activities by GLBT people in Alberta. In particular, obtaining a liquor license from the provincial authorities was often a difficult task for the fledgling gay bars.[14] In Calgary, the bars elicited a mixture of homophobia and illegal liquor fines from the Vice Squad, which was unsure of how to view and/or deal with bars. Prior to 1969, the Vice Squad "did not have a policy about such goings on".[15]

In 1969 a disco appeared at 1207 1st Street S.W., aptly named "1207", opening for both a gay and straight clientele. The owners made weekly calls to the Vice Squad to ensure "That it was OK to open for the weekend".[16] The bar closed after 6 months, however, due to constant police attendance, combined with dingy conditions and conflicts between gay and straight clientele. Shortly thereafter, a small group seeking to create a more suitable environment in which homosexuals could meet, established a private club on the same premises of "1207". The interior was renovated and the name was changed to "Club Carousel".[17] A name change did not, however, end the visits from the Vice Squad.

While the majority of gay bars in North America experienced constant harassment from "the men in blue" during this time period, the relationship between Calgary gay bars and the police was paradoxical. While police were often quick to monitor and shut down gay clubs, the police themselves suggested a means to put an end to the harassment and charges. Following their suggestion, the owners of Club Carousel registered under the federal government's Societies' Act using the name The Scarth Street Society.[18] Registration halted the majority of police harassment and charges, as explained by this female member of the club:

> "At first there was a little trouble. The morality boys came in and laid a charge of operating a cabaret without a license. But they were good guys. They recommended a lawyer and he came up with the idea of making everything legal with a charter - and there's been no trouble since."[19]

With federal registration, the Scarth Street Society (SSS) was born, and the first "legal" gay establishment emerged in Alberta. This example of police/community cooperation demonstrates how the authorities were willing to tolerate some gay spaces in the 1970s if they were kept out of the public's (heterosexual) view. As Michael Bronski argues, when gays and lesbians sexual/cultural practices were hidden from public view, they experienced a certain degree of protection and acceptance from the mainstream.[20]

In Edmonton, the gathering places for gays and lesbians were also limited, so in 1970 a non-profit society established "Club 70", located at 10242 106 Street. Similar to the treatment experienced by their Calgary counterparts, the members of Club 70 endured grilling and harassment from police officers in order to obtain a monthly liquor license.[21] Between 1970 and 1977, however, Club 70 prospered and grew to be the main scene of gay and lesbian social activities in Edmonton, and also played a vital role as a safe space for gay fundraisers and political organization. By the end of 1977 Club 70 was bought by new owners and became The Cha Cha Palace for a short while.[22] Shortly thereafter, Edmonton organizers also registered under the federal *Societies' Act*, creating the 106 Street

Social Club Society, and by October, 1979 opened the gay bar known today as Boots and Saddle in downtown Edmonton.[23]

The establishment of gay bars, therefore, provided one avenue for the simultaneously public and private emergence of GLBT culture in Alberta. On the cusp and after the decriminalization of homosexuality, gay bars in both Edmonton and Calgary emerged as the main social and political spaces where GLBT people could meet. The claiming of these gay cultural spaces, however, provoked a paradoxical effect: on the one hand, police authorities for the most part tolerated gay spaces if they remained out of view of the public sphere; on the other hand, it prompted provincial authorities to "push back" in the form of fines and attempts to close them down. Despite these efforts, however, gay bars continued to thrive into the 1980s.

The Imperial Courts of Alberta

The western states and provinces of Canada and the United States heralded a form of gay/transgender culture not seen by its eastern counterparts - The Imperial Court System. The Imperial Court System emerged out of San Francisco in the early 1960s, initiated by a young Hispanic queen by the name of José. [24] As owner of "The Black Cat Tavern", José began doing drag performances with the stage name of "The Widow Empress Norton". Given the illegality of homosexuality in California in the early 1960s, and the large population of gay men in San

Francisco, gay men were often arrested by police and housed in a jail across the street from the tavern. As a combination of political action and protest, The Widow Empress Norton performed drag shows as a fundraiser to post bail for the jailed men, and would lead patrons of the Tavern in a campy and "rousing rendition of 'God Save Us Nelly Queens' outside the tavern and across the street from the jail."[25]

In 1965, the Widow Empress Norton established what is now known as the "Court System", and began giving out regal titles to those closest to her - such as "Grand Duchess, Grand Duke, Crown Prince and Princess, Baron and Baroness".[26] Shortly thereafter, Courts began to materialize in other major western cities in the United States, with the first Canadian Court appearing in Vancouver in 1970.[27]

The Courts developed as social and community service organizations in various cities across North America, sharing similar structures, policies and goals. Each chapter of the Court system was required to do substantial community work, including strengthening relationships with businesses and organizations within their communities, holding functions and fundraisers to benefit their communities, and helping those in need within their community.[28] In general, the Court chapters have been aptly described by one activist as "gay shriners".[29]

One of the most important, and visible elements of each Court was the annual Coronation, where each year an Emperor and Empress would be crowned - not unlike traditional beauty pageants. The difference between the former and the latter, however, was that the titles of Empress and Emperor were won by those most able to organize support and fundraise for charity, rather than a result of their physical appearance or particular individual talents.

Memberships in a Court were and remain open to everyone regardless of their sexual or gender identity: gay, lesbian, bisexual, transgender and heterosexual. The majority of members, however, consisted of cross-dressers and in some cases transgender individuals. Perhaps more importantly, "a person's gender, lifestyle or mode of dress had no bearing on being a member of the court 'family'".[30] In many instances, a person's Court family became the substitute for their blood relatives, especially for many transgender or gay men that had been rejected by their own families for their gender identity or sexual orientation.

In 1975, the Imperial Court of the Wild Rose was established in Edmonton, and the second Court was organized by Calgary's Scarth Street Society and was granted its Charter in 1976.[31] Similar to the gay bars, members of the early Imperial Courts in Alberta met in 'private spaces' such as the living rooms of members' homes. Later, however, Coronation galas were held in much more 'public' spaces, such as hotel ballrooms.[32] The Courts, however, remained a more private organization than some in the GLBT community. They also attracted less attention from the authorities, possibly due to their tendency to meet in private homes. It is also possible that the goals of the Imperial Courts (charity and fundraising) were not considered as threatening to the mainstream public as gay bars and sexual cruising activities were. In general, however, the Courts contributed to the emergence of GLBT culture by providing community services for GLBT people and in providing familial relationships and a sense of belonging for its members.

The bars and the Courts, therefore, provided the first public/private spaces for GLBT people to meet and socialize in Alberta. These organizations established the foundation for the growth of GLBT cultures throughout the 1980s and 1990s.

IV The Iron Curtain: Sexuality and the Public/Private Divide

The Pisces Bathhouse Raid

Gay men's sexuality has historically challenged traditional understandings of the 'private' nature of sex. British theorist David Bell argues that gay 'public' sex has challenged heteronormative understandings of the public and the private. [33] He argues that anti-sodomy laws in western industrialized countries, combined with rampant homophobia (by family members or neighbors) have circumscribed the freedom of gay men and kept them from engaging in sexual activities in their own homes. Furthermore, state surveillance of gay sexual practices outside of the bedroom has forced gay men to re-define the 'private realm' on their own terms:

> In Britain, sex between two men outside the confines of the bedroom is still often intolerable. Sex in the bedroom is intolerable if it involves anything but the most conventional, most 'straight', most 'vanilla' definition of what constitutes 'sex'...And so, of course, is being caught in the public toilets or in a cruising area. On top of this, the constant threat of homophobic violence which any and all of these activities also carries shows just how tightly the boundaries of tolerance are - how narrowly defined the private is - for British 'gay' men.[34]

In response to the imposition of a severely limited private sphere, gay men have used gay bath houses, public washrooms and specific areas within public parks to engage in sexual activities, thereby re-defining privacy and confusing the traditional boundaries of public and private.

Historian Gary Kinsman argues that the 1980s represented a decade where gays and the police battled over the state-defined distinction between public and private.[35] In the underground world of gay sexuality, the police attempted to define gay bathhouses and sex in parks and washrooms as ‘public’ activities and subjected them to state scrutiny and prosecution. Gay men, however, argued that the bathhouses and sexual activities that took place in specific areas such as washrooms and parks were "private" activities, and should not be subject to such state scrutiny and surveillance. As well, during this time police started to develop cultural meaning frames around gay male sexuality and gay sexual spaces in order to justify their clamp-down, as noted by Gary Kinsman:

> The police and the media attempted to associate the bath and its patrons with sadomasochistic practices and sexual paraphernalia, conjuring up images of sexual sleaziness, deviance, and violence.

> The association of gay sex with dirt was also made clear in the code name "Operation Soap" given the 1981 police war on the gay community, incorporating an image of dirty gay sex being cleansed from the social body by police action.[36]

Starting in 1976, police began raiding gay spas and bathhouses across Canada, and arrested thousands of men. As part of a "clean-up" campaign for the 1976 Montreal Olympics, police raided two different bathhouses, and arrested more than 144 men as "found-ins" in a "bawdy-house". Similar raids over the next five years happened consistently in Ottawa and Toronto.[37] In Toronto, a brutal raid took place on February 5, 1981, in which police rage caused over $35,000 in damages to 4 separate bathhouses, by "using hammers, crowbars, and shears to smash doors, shatter mirrors, rip open mattresses, and wrench doors off lockers".[38] Several of the 304 men arrested as "found-ins" were physically and verbally abused and one officer was quoted as saying 'too bad these showers aren't hooked up to gas' in the presence of the men arrested.[39]

By 1981, bathhouses had been operating without incident for 10 years in Edmonton. Local authorities had chosen to ignore the sexual activities of gay men, as long as they remained out of the view of the 'public'. However, following a complaint by a local gay male about the "goings on" at the Pisces Spa, the RCMP and city police put the bathhouse under immediate surveillance. For three months police photographed patrons entering and leaving the premises, and "infiltrated" the Spa with undercover agents.[40] The Edmonton Morality Squad also collaborated with the Toronto police force, wanting "to know the pitfalls they fell into with their raids and what they looked for".[41]

On May 30, 1981 at 1:30 am, 57 police and RCMP officers, accompanied by two Crown prosecutors, raided the Spa and arrested 60 men. [42] The police broke into each room in the Spa, and with video and still cameras, photographed each person and every act that they found.[43] The operators were charged with keeping a common bawdy house, and 56 members were charged with being found in the premises of a bawdy house under the Criminal Code of Canada.

The "found ins" were transported by paddy wagons to the provincial courthouse, where they were held overnight. There they were required to give information about the Spa, about their sexual practices, and about their lives as homosexuals.[44] Unbeknownst to them, the information that they provided would be used to prosecute others arrested in the raid. Those arrested were then forced to appear at a 5:00 am court session, without a lawyer to represent them, and throughout which the members of the press were denied access. A spokesperson for the provincial Attorney General argued that the men did not require legal counsel, as the procedure was "a hearing, and not a first appearance in court".[45] Found ins were fined approximately $250 each, while the owners were initially fined about $45,000 - more than ten times the amount of any previous bawdy house case.[46]

One of the found-ins, Michael Phair, was arrested as he sat in the T.V. room watching the late-night news broadcast from the United States. His recollection of the raid shows the fear and confusion of the found-ins at the provincial courthouse, and bears quoting at length:

> The witch hunt continues as we are carted off at 4:00 am in police paddy wagons to a courtroom in the downtown police headquarters. In my wagon we are all frightened and anxious about where we are going and why - the chatter among 6 or 7 of us is strained and the humour does not come easily. All 56 of us are put into a courtroom - a holding pen while waiting nearly two hours for what we do not know. We must ask the guards if we can smoke, talk, etc. Some of us try to sleep, others ask desperate questions as many lives and fears spill out through glazed eyes and painful tones of voice. "What will happen to us?" " Will they tell my family or my boss or the newspapers?" "Can GATE help?" The longer we wait the greater becomes the agony and self torture. "What are we waiting for?" "Why can't we go home, make phone calls or talk to a lawyer?" This is not like American TV shows and where is Perry Mason when we need him...
>
> ...Close to 6 am a provincial court judge appeared before us. What followed during the next 90 minutes was the most terrifying and anguished time I have ever spent. The judge stated that each of us would be privately interviewed and asked thirty questions. The answers we gave could not be used against us but refusal to answer would be ruled contempt of court and the offender would be placed in jail until he agreed to answer. Gasps and cries of fear including mine went up and a few men shouted for legal assistance. The judge repeated the same statement and made it clear that we were not allowed any counsel. I was horrified at the fascist tactics that were sanctioned and executed under the Canadian Court system ...Naturally the court did not mention that although answers could not be used against the accused the information could be (and was) used against everyone else![47]

Immediately following the raid, members of the gay and lesbian community in Edmonton experienced shock and great fear. Lesbians and gays had believed that if they just kept their heads down and their sexuality to themselves, they would not be bothered by the larger society or the police.[48] Raids like that happened in the Big City, not in Edmonton. The raid, however, had a severe impact on the lives of many gay men, as described by gay activist Philip Knight:

> There were several near suicides, many suffered severe depression and some probably lost their jobs when they were forced to tell their employers about their absences for court...most have just disappeared from the gay community...some have left town.[49]

The raid also created paranoia about being outed, and the fact that the police force held the Spa's membership list of 2000 names made many in the community very nervous.

For others, the initial fear quickly turned to anger, and the community mobilized in larger numbers than ever before to respond to the police's actions. Members of Edmonton's Gay Alliance Toward Equality responded swiftly to the raid, criticizing the police of perpetrating a campaign of harassment toward gay men.[50] Doug Whitfield, GATE's civil rights Director, declared that the raid meant that "It's war, and gay people will not lose".[51]

Members of GATE and many found-ins established the "Privacy Defence Committee of Edmonton" to raise funds for the legal defence of those arrested and to strive for the reform of the Criminal Code to prevent the police from continuing such raids.[52] Hundreds of people, gay men, lesbians, and straight supporters became involved activities to support the found-ins: fundraising, providing legal assistance, personal counselling, and holding protests against the police's actions.

The mobilization that occurred around the Privacy Defence Committee required that many people emerge from their closets, thereby creating a much more visible presence of gays and lesbians in the mainstream. More importantly, despite the fear and anger over the injustices perpetrated against their civil liberties, their political tools often involved humour and camp as a method to counter the dominant cultural meaning frames of gay male sexuality. For example, the summer following the raid the Privacy Defence Committee entered a float into the city's annual Klondike Raft Race, as a way to demonstrate the adage, "we're here, we're queer, get used to it!", as described by Michael Phair:

> We organized that summer the raft race as part of Klondike Days - a big pink raft with a great big pink triangle flag on it, and we did the "Gay 90s" Pisces II, and sang rubber ducky. I was the ducky on the float. From that experience we got to know a lot of the groups that were around, as the privacy defense fund was trying to raise money and educate people about the issues that were going on.

In some instances, the work to establish positive cultural meaning frames around gay sexuality resulted in an increase of support from other institutions in the larger society after the raid. The Alberta Human Rights and Civil Liberties Association questioned the ethics of the 5:00 a.m. court hearings and criticizing the police for wasting time and money on priorities that "were hardly violating the security of the nation.[53] In other cases, support was offered more from a libertarian cultural meaning frame of sexuality writ large. For example, the editorial page of the *Edmonton*

Journal called for an amendment to the bawdy house laws of the Criminal Code of Canada, arguing that "public revulsion" of an act did not necessarily require prosecution of those who engage in private acts among consenting adults.[54] In other words, while many continued to accept the construction of homosexuality as repulsive, it was nevertheless felt that the state still had no business infringing on their liberties.

Edmonton's mobilization against the raid strengthened cooperation with other gay communities across Canada who were facing similar repression. That year in Toronto over 2000 people demonstrated on June 12 to show their solidarity with both the Edmonton gay and lesbian community and those charged as found-ins in the raid.[55] Financial support for the found-ins came in from Toronto and Calgary. Gerald Hannon, the editor of the national gay and lesbian newspaper, *The Body Politic* , argued that the national gay community was being strengthened, as "more formal bonds are being created east to west than existed previously".[56] Nevertheless, the mobilization of gays and lesbians seemed to further antagonize police forces across Canada, as two more bathhouse raids occurred in Toronto on June 16 - four days following the solidarity demonstration in that city.

Court proceedings for those charged in the raid carried on for two years. City neurologist and co-owner of the Spa, Dr. Henry Toupin, was stripped of his medical license for 6 months by the College of Physicians and Surgeons.[57] Both he and his business partner Eric Stein, pleaded guilty to keeping a common bawdy house just three days before the owners of the Toronto Barrack Bath were found not guilty of similar charges in Ontario. The majority of the found-ins either pleaded guilty or were found guilty by the Provincial Court. Five found-ins appealed their sentences, in which one was upheld, and three were successfully overturned by the Queen's Bench.[58]

The actions of the police and the courts during the Pisces bathhouse raid constituted a rupture in the tacit agreement between the authorities and bathhouses in Edmonton. Previously, unlike other cities in Canada, few tensions had erupted between gay men and the authorities in Edmonton concerning the 'private' sexual practices of gay men in bathhouses. While bathhouses in Edmonton operated for 10 quiet years, the police took few opportunities to intrude upon that space. That tacit agreement was broken once a 'public' complaint was made that drew the activities at the bathhouse into the 'public sphere' and to police attention. At that moment, the authorities proceeded to treat the Pisces Bathhouse with the same violent approach that police forces across the country had been implementing. This rupture re-defined the relationship between Edmonton police and the gay community from one that could be categorized as an uneasy truce, to one in which the GLBT community perceived the authorities as a coercive enemy and in which the GLBT community was viewed by police as an illegal problem.

Violence and Harassment in Calgary's "Gay Space": Victoria Park and Cruising at Eaton's

While the most intensive police harassment in Edmonton climaxed in one particular incident in the 1981, in Calgary harassment of gay men by police and the general public was more widespread and prevalent throughout the entire decade. Details of police harassment first surfaced in 1982, when Bob Harris, the Calgary representative of the Alberta Lesbian and Gay Rights Association, presented cases of harassment to the Alberta Human Rights Commission. Harris documented ongoing instances of homophobia and hate crimes, in which police had either refused to take their complaints of harassment seriously, or had themselves harassed or assaulted gay men in and around Central Park - an area close to the city's gay bars. [59] A consultant's attempt to educate the city's police force on gay issues and homophobia had been halted, after comments from officers stating that gays "should be rounded up, put in stocks in the 8th Avenue Mall, castrated and stoned to death".[60]

By 1983 the problem of gay bashing and harassment grew more severe, as GLBT people experienced blackmail, muggings, woundings, assaults, and deliberately set fires in and around the gay ghetto, which consisted of Central Park and the vicinity of "six to eight restaurants and private clubs in the surrounding area known to cater to a homosexual clientele".[61] By mid 1983 there were 56 reported robberies involving gay males in the Central Park area, and two gay establishments were targets of a number of bomb threats.[62] Even the police stated publicly that "Queer bashing is a popular sport in the city".[63]

An attempt to improve relations between the Calgary police and the gay and lesbian community resulted in the establishment of the Police Liason Committee in 1983, which also included participation by Calgary's Metropolitan Community Church.[64] The Committee was sorely tested in 1984, however, after the Calgary Vice-Squad used hidden cameras to videotape the activities of men looking for sexual relations in a downtown Eaton's bathroom, and arrested 12 men for "indecent acts" in April of that year. The covert videotaping and arrests of the men prompted the Calgary Civil Liberties Association to denounce the police's activities, arguing that they represented a massive invasion of privacy, where "both the innocent and the alleged guilty were filmed without their knowledge".[65]

The issue of cruising in the Eaton's bathroom had been raised with the Police Liason Committee prior to the raid, but gay and lesbian members of the committee argued that they were not given enough time to warn members of their community about the problem, and were not informed about the impending bust. Moreover, gay and lesbian members of the Liason Committee also argued that would not have had the opportunity to reach many of those arrested, who mainly included married men, [66] given that they did not associate with the GLBT community.

Police harassment in the gay ghetto increased again in the summer of 1984, and gay activists began calling on the police to stop their

"Gestapo-type tactics".[67] Gay men, lesbians and transgender people were continually stopped on the street by police and asked for identification cards, were frisked, questioned about their activities, and/or received tickets for minor traffic offenses. In light of the increased tensions between the authorities and the GLBT community, by the fall of 1984 Calgary's first Police Liason Committee disbanded, primarily because "the police didn't get it" and the community didn't trust it.[68]

In comparison to Edmonton's isolated bathhouse raid, Calgary's community experienced a more widespread and violent response to the emergence of GLBT people and the claiming of identifiable gay space in the city. Gary Kinsman defines the harassment by police of gay bathhouses and gay cruising spaces across Canada in terms of a struggle over the public/private divide:

> The 1980s battles between the gay movement and the police are a manifestation of the social struggles over the State-defined distinction between public and private. The police are trying to establish that gay baths, and male sex in parks and washrooms, is public sex and therefore subject to direct intervention. The very institutions of the gay community would thus be rendered 'public'...The movement has argued that gay institutions are part of the private sphere and therefore off-limits to the police.[69]

As gay men began challenging heteronormative assumptions about the public/private divide, therefore, the police arm of the state in Alberta responded to constrict their challenges in both major cities.

V Gay Pride

Partly in response to the police raids, starting in the 1980s many in the GLBT community believed that the time had come to focus their energies inward and not engage further with the state.[70] As gay and lesbian communities grew in Calgary and Edmonton, explicit political action became secondary to the development and nurturance of these social and cultural safe spaces. After the danger of the Pisces raid in Edmonton, activists moved to expand their cultural spaces as a way to develop support for one another.

John Grube argues that gay space has expanded or contracted according to "the interplay between the state's attempts to restrict it and the resilience of networks that continue to deepen links under repression".[71] In his spatial analysis of Toronto he argues that the militant presence of gays in public space has been a prerequisite to "placemaking" which nurtures the development of further networks and activities for sexual minorities, thereby creating "democratic gay space".[72] Certainly this happened to Edmonton after the raid:

> I think It brought in a whole new era of activity and activism that grew out of that initial work. And not just activist groups - A lot of additional social groups, such as church groups and others music groups just blossomed after that. It was a real watershed. It was a whole new era that just came rushing in.[73]

In response to the social needs of the emerging GLBT communities, in 1982 community organizers in Edmonton formed Gay and Lesbian Awareness (GALA) and organized the first ever Gay Pride festivities in Alberta. Pride festivities had begun to emerge world wide in recognition of the 1969 Stonewall Riots in New York City, which was the first documented resistance of GLBT people to police harassment.[74] In Edmonton eight organizations came together to host Gay Pride, including: The Imperial Court of the Wild Rose; the gay Catholic organization, Dignity Alberta; Gay Alliance Toward Equality; the Metropolitan Community Church; Roughnecks, a gay outdoors club; The Vocal Minority, a gay and lesbian choir; Womonspace, a lesbian social organization; the Privacy Defence Committee; and one of the main local gay bars, Flashback.[75] While no marches or demonstrations were organized, instead approximately 450-500 gays and lesbians participated in a series of events organized during the week, including consciousness-raising workshops, a drag show, picnics, a baseball tournament, and other organized social activities.[76] The Edmonton Gay Pride Dance, the first of its kind, attracted over 250 people:

> The theme of the weekend events was gay pride through unity. In the past, gay groups in Edmonton have functioned more or less independently, although GATE has occasionally co-sponsored dances with other organizations. For the first time, then, Edmonton's gay community really was a community in the full sense of the word: a group of people sharing, co-operating, supporting. As a result new friendships have been formed, understanding between the city's various groups has improved and Edmonton gays have a greater feeling of gay pride. [77]

The first Pride activities in Calgary occurred later in 1988, and initially took place as a march.[78] The first Pride activities were organized by members of CLAGPAG - the Calgary Lesbian and Gay Political Action

Guild - an explicitly political organization that had been formed in 1988. CLAGPAG picked up where Calgary activist Doug Young and others had left off in 1980 - lobbying the federal and provincial governments on issues of relevance for GLBT people.[79] In June of 1990 members of CLAGPAG organized Calgary's first gay pride rally in Central Park, which was attended by approximately 140 people. The degree of fear of persecution in Calgary on behalf of gays and lesbians was evidenced by the fact that many attendees wore bags or masks over their faces to avoid being identified by the media. [80]

In 1991 four members of CLAGPAG (Ted Warwick, Vikki Menzies, Karl Siegfried and Stephen Lock) met with Calgary's Mayor Al Duerr and succeeded in having him proclaim the city's first sanctioned Gay and Lesbian Pride Week.[81] The Proclamation, however, received substantial public outcry:

> We were all surprised at the level of reaction to this Proclamation and the degree of venom such reactions had. Demands for Duerr's resignation appeared on the editorial pages of both newspapers in Calgary. Letters to the editor were filled with biblical quotes and attacks against the character of the Mayor and against the glbt community. Churches organized protests against the Rally and March. Duerr and his family received death threats…despite all the negative publicity, or perhaps because of it, the Rally and March through downtown Calgary on a Sunday afternoon was attended by approximately 400 brave souls, marching, singing, shouting slogans, and waving placards and Rainbow flags.[82]

Gay and Lesbian Pride Week was never again recognized by the city of Calgary, as City Council voted that year not to grant a Mayoral Proclamation to any event that would create division and controversy within the community.[83] CLAGPAG members continued to combine political action with Pride activities until 1996, after which point other community activists formed PRIDE Calgary and de-politicized the events, turning the annual political rally into a parade and making Pride events explicitly social. [84]

As demonstrated above, Gay Pride festivities in Alberta became a way to challenge dominant meaning frames of gay and lesbian citizens. As a result of the backlash in Calgary to the proclamation of Gay Pride, the political opportunity structure was constricted through negative cultural meaning frames of homosexuality constructed in the press by conservative churches and citizens opposed to homosexuality. As a result, Calgary's municipal governments rescinded their support for gay and lesbian Pride celebrations. In response, gays and lesbians promoted counter-meaning frames through the public celebration of Pride and positive images of gay and lesbian sexuality, to demonstrate affirming associations with the community. While their efforts boosted the morale of the local community, they did not result in a significant change in the political opportunity structure or a policy change on behalf of the local government to support Gay Pride.

Pride activities in Edmonton also continued to develop specifically into 'non-political' activities as many activists felt that political change would not occur until the consciousness of community members were raised and the broader community was educated about the myths and realities of gay and lesbian lives. By 1983 the provincial coalition of ALGRA had been dismantled, numerous attempts by GLBT activists to have sexual orientation inserted into the IRPA had failed, and members of the Alberta Human Rights Commission had even told activists to focus their attention on changing public opinions about homosexuality, rather than trying to achieve legislative change.[85] In Edmonton, the Pisces Bathhouse raid had rattled the community, forcing GLBT people out of a sense of complacency, and rallied them to defend their community's members and their community spaces from state intrusion. By the mid-1980s, AIDS began to hit GLBT communities and many activists were required to care for their affected members. As a result, the struggle between those wanting to continue political protest and those focused on nurturing their own communities came to forefront, as demonstrated by this editorial piece in Edmonton's first gay newspaper, *Fine Line*:

> *Gay Pride Week is about to begin for 1983. With it comes a time to acknowledge our accomplishments and to initiate changes. The Stonewall Riots occurred over a decade ago and the strategy employed for gay liberation then is not useful to us now. We are not political activists anymore.* [86]

Nevertheless, while many activists did not intend for Pride events to be explicitly political, the effects of the events nevertheless were. Pride activities in both Edmonton and Calgary challenged heteronormative assumptions about the public/private divide. The Pride parades in particular became political challenges to invisibility of homosexual sexual expressions in public spaces. Chris Brickell demonstrates how Gay Pride parades challenge the dominance of public heterosexuality:

> While a parade involves a concentration of performed gay and lesbian identities within the space of one city street on one day, this event is a response to the systematic debarring of the performance of these identities from more diffuse, everyday public settings. Whereas the omnipresence of heterosexuality ensure heterosexuals have no need to parade, lesbians' and gay mens' parading in solidarity with each other is one way to challenge the heterosexualised nature of public space in relative safety.[87]

Gay Pride activities in both Calgary and Edmonton, therefore, became political challenges to the public silence surrounding GLBT existence in the province, and provided GLBT people with opportunities to celebrate and nurture their emerging cultural communities. And, by constructing positive meaning frames of gay and lesbian sexuality and identity, gays and lesbians also challenged the dominant meaning frames being propogated by the state and in the media.

VI 'Public' Invasion: The Expansion of GLBT Culture into 'The Mainstream'

In the 1990s, GLBT cultural challenges moved much more visibly into the public sphere, challenging the public/private divide and drawing their queer identities farther into the public domain. In response, social conservative, Christian-fundamentalist members of the provincial Conservative government attempted to censure the emergence of their identities and cultural work and framed their opposition within the context of 'community standards' and 'public monies'. First, the performance of *Kiss and Tell*, a lesbian collective from Vancouver, at the Banff Centre for the Arts in November of 1992 sparked government censorship and threats of removing all funding to the arts in Alberta. Second, a grant to fund research on gay culture in Alberta by the Red Deer and District Museum (RDDM) came under fire by the same members of the legislative assembly in 1997. Both of these instances demonstrate the provincial struggle between GLBT people, their allies and the state over citizenship identity, (hetero)normative sexuality, and ownership of the public domain.

These issues also demonstrate another way in which the political opportunity structure in Alberta was influenced by the tactics of cultural framing. Cultural framing was used by both the state and the GBLT movement to mobilize support for their respective positions on the acceptability of GLBT cultural expressions in the public sphere. As a result of the successful mobilization of allies in the Arts, GLBT social movement actors shifted the boundaries of the public/private divide to be more inclusive of cultural expressions of their sexual and gendered identities. The opposition to censorship demonstrated by the Arts communities, Museum communities, and gay and lesbian communities successfully opposed government interference, brought gay culture further into the mainstream public sphere, and contributed to a stronger sense of GLBT identity and belonging in Alberta.

Kiss and Tell

Prior to the appearance of *Kiss and Tell* in Alberta, a complete restructuring of the Arts in Alberta had taken place. George Melnyk argues that from the mid-eighties to the mid-nineties "the Lougheed world of State intervention and support for the arts was replaced by the Getty view that the arts could be funded through a secondary income source - State-supported gambling". The Department of Culture was closed in December of 1992, and its responsibilities rolled into the Department of Community Development. The province transferred all of the administration of arts funding from the Department of Culture to the Alberta Foundation for the Arts. By the 1992, the arts were receiving no monies whatsoever from the public treasury; the sole source of income for the Arts in Alberta was lottery monies.[88]

The first cultural struggle over the place of sexuality and the public/private divide occurred with the performance art of the Vancouver-based lesbian theatre troupe *Kiss and Tell* at the Banff Centre for the Arts in November 1992. The troupe used their performances to foster discussion about pornography, erotica and sexuality, and showed videotapes depicting lesbian sexuality. Their work outraged Alberta's deputy Premier Ken Kowalski, who, without having seen their work, created a meaning frame of lesbian sexuality as "that abhorrent lesbian show".[89] Kowalski called on the Minister of Advanced Education, Jack

Ady, to help stop the appearance of homosexual shows in institutions funded by the province, such as the Banff Centre for the Arts.[90]

Kowalski's comments infuriated many in Alberta's gay and lesbian communities, and activists began to challenge the dominant meaning frames of homosexuality being propagated by government members. Nancy Millar, a lesbian activist in Calgary and member of the Alberta Status of Women Action Committee, initiated a framing of the issue as one of state censorship of gay cultural expression: "I wonder where this deputy premier gets the right to censure art in this province?" charging that Kowalski was completely out of line. [91]

The issue of censuring lesbian art, however, soon became intertwined with the issue of provincial arts funding in general - regardless of the fact that the artists in question were not funded by Alberta. In the context of "the scandal", Labour Minister Stockwell Day was reported as saying that he wanted stop any funding of culture with taxpayers dollars[92], and Dianne Mirosh, the Minister provincially responsible for both culture and human rights, stated there would be no more money for culture in Alberta.[93]

The threat of censorship and funding cuts by the provincial government led Calgary's arts community to form the Calgary Professional Arts Alliance, and to work in conjunction with the Edmonton Professional Arts Council and arts professionals across the province. On February 11, 1993, simultaneous rallies were held in Canmore, Red Deer, Water Valley, Medicine Hat, Lethbridge, Fort McMurray, Grande Prairie, Edmonton and Calgary to demonstrate their opposition to the possible funding cuts to the Arts, and the arbitrary actions of a few cabinet ministers.[94]

Initially, the Conservative caucus backed down on their threats to fund the Arts, and quieted their critiques of gay and lesbian art. But by the spring of 1994, however, a new policy was developed for the Alberta Foundation for the Arts, in which art galleries or theatres could have their funding removed if their displays were controversial, or if they "offended the sensibilities of community standards".[95] While denying that the policy was intended as censorship, Community Development Minister Gary Mar crystallized the state's meaning frame around homosexual artistic expression as pornographic, stating, "Pornography is a hard thing to define, but I know it when I see it",[96] and drawing a parallel to the work of lesbian theatre troupe *Kiss and Tell.*

The response of the provincial government was not the first time that Kiss and Tell had been subjected to state censorship:

> For over a decade, lesbian feminists had struggled over sexual self-representation and censorship. Perhaps no group of artists had put themselves more on the line in the feminist porn debates than Susan Stewart, Lizard Jones and Persimmon Blackbridge, known collectively as Kiss and Tell. Through performance, video and photographic installations since the late 1980s, the Vancouver group had used their bodies and words to express the paradoxical strength and vulnerability of sexual subjectivity. Kiss & Tell's work had been exhibited across Canada, the U.S., England, Australia and the Netherlands. And their work had been seized – in three different media, in three separate incidents – by Canada Customs.[97]

Kiss and Tell members argued that:

> When we talk about censorship we need to talk about power – who has it, and what are they doing with it? We have to look at each instance and weigh the power imbalances. Who has the power to speak? Who has the power to impose silence? Who has the law on their side? Who has gallery control on their side? Who will go to jail? Who is trying to redress what? In Canada today, we are not equal. Many people are not free to speak, free from discrimination, free from poverty...The fight against censorship only makes sense when these realities are not denied.[98]

While conservative Christian organizations such as the Alberta Federation of Women United for Families and the Canadian Foundation for the Love of Children came out in support of the policy, many in the arts communities again protested what they identified as political interference and censorship.[99] Myrna Kostash, an Alberta writer and former Chair of the Writers Union of Canada, displayed the frustration that many were feeling:

> My God, it's embarassing to be from Alberta. Once again Alberta is going to be the butt of jokes...It feels as though these last 25 years of creative and artistic work is being dismantled in a very retrograde series of decisions and legislation...This feels like being in Social Credit Alberta again.[100]

Images of non-hetero sexuality in the public domain, therefore, in turn sparked a powder keg debate over the role of the Arts in Alberta in general. As a result, gays and lesbians were joined by many in the Arts to protest government political interference in judging the appropriateness of their work, and in policing the 'community standards' of public spaces.

In the fall of 1994, the Coalition for Gay, Lesbian and Bisexual Studies, a newly-formed organization at the University of Alberta, invited

Kiss and Tell back to the province to show their piece "Her Tongue on My Theory". Catherine Gutwin and Gloria Filax, both graduate students at the time, argue that it was important to bring Kiss and Tell to Alberta, because the theatre troupe provided representations about lesbian sexuality that differed from heterosexual pornographic images of lesbian sex.[101] Their work, they argue, provoked larger discussions about lesbian stereotypes and "appropriate" sexuality:

> They wanted to put pictures out there about lesbian sexuality that wasn't straight porn. They would set up these elaborate scenes and one of them was a photographer. So it's all staged ...(Gloria Filax)...
>
> There's a couple of scenes that really stick in my mind... They showed a film...it was pornography and documentary kind of all mixed together. She was explaining things (to the audience) as she was doing it to her (partner)...they would say things like "lesbian sex is not...[x]", "Lesbian sex is...[y]". And they'd make really sweeping generalizations as a way of provoking people... (Catherine Gutwin)...
>
> It's drawing the line between one person's idea of S & M and another person's idea of "normal sex". It was also putting lesbian sex on the map, where there were virtually no good representations...I think they were trying to generate a forum to get people talking. So they were being deliberately confrontational...in terms of making these graphic images and saying these graphic things, so that afterward people would remember, and that we would talk and generate a real conversation about it. And it worked...(Gloria Filax).[102]

The same week that *Kiss and Tell* performed to a sold-out house in the National Film Board auditorium in Edmonton, the majority of the Alberta Conservative caucus agreed to let the courts decide if an art show was deemed to be obscene under the Criminal Code of Canada.[103] Upon conviction, however, the province could still remove a group's funding.[104]

The proposal was put forward by the Alberta Foundation of the Arts and was supported by the Minister of Community Development, Gary Mar, and the Premier, Ralph Klein.[105]

Ken Kowalski, Stockwell Day and some backbench members of the Caucus strongly disapproved of the policy, especially in allowing the courts to decide obscenity issues. Kowalski argued that "Most people have an idea of what is acceptable and not acceptable. If we want to get into having lawyers and courts dealing with all these things, then heaven help us".[106] Calgary-Shaw MLA Jon Havelock said "the proposal puts too much onus on individuals to complain, and leaving social policy-making to courts is inappropriate and extremely expensive".[107] The comments of the far-right members of the legislative assembly demonstrate that the struggle for enforced heterosexuality, and control of the public/private boundary existed not only within the larger society, but within the Conservative caucus as well.

The change in cultural policy direction was influenced by an opening in the political opportunity structure that emerged through GLBT challenges to the state-constructed meaning frames of homosexuality and lesbian sex. More specifically, GLBT activists constructed two consistent meaning frames to challenge the one being proposed by the state: one defined the actions of the state as censorship of artistic expression, and the second promoted positive images of lesbians and lesbian sex. In combination, these two meaning frames resulted in the mobilization of significant support from allies in the Arts and in the public. Without the groundswell of community support that emerged as a result of the creation of these positive meaning frames, it is unlikely that gay and lesbian artists would have been successful in their struggle to challenge the boundaries of both 'acceptable sexuality' and the public sphere.

Showdown at the Red Deer and District Museum: The Struggle to Portray Gay Life in Central Alberta

A second example of GLBT culture that successfully challenged the heterosexist public/private divide and created positive meaning frames around homosexual identity occurred in 1997. That year, the Red Deer and District Museum (RDDM) received a $10,000 Researching Communities Grant from the Alberta Museums Association (AMA) to research and document gay life in central Alberta. Known as a growth area for fundamentalist Christianity and white supremacy groups[108], central Alberta was identified as an important geographical area to research the lives and communities of gays and lesbians, as well as the "larger societal response as the gay community emerges on the public square".[109] More specifically, the research was intended to explore the notion that gays and lesbians have become the "repository of fear" about the upheavals in social stability in Alberta, especially with respect to the institutions of family and community.[110] The grant, however, caused a great deal of controversy in Red Deer and throughout Alberta about the appropriateness of homosexuality as a topic for study.

The RDDM decision to do the research was a culmination of three years of work establishing ties with the local gay and lesbian community in both the more urban area of Red Deer and the larger rural area.[111] The furor over the grant was foreshadowed in 1996, when the Museum hosted an exhibit on gay-bashing by artist Spencer Harrison, whose art included oil paintings and quotations from victims of attacks.[112] At that time, Anne Clarke, a representative of Red Deer's gay and lesbian organization "Just People", linked the lack of reporting of gay bashing to the lack of legal protection for gays and lesbians in the province. In response, Red Deer North's Member of the Legislative Assembly and Labour Minister, Stockwell Day, argued that such claims were mere "fabrications" and that discrimination against gays and lesbians in Alberta just didn't exist.[113]

When the Alberta Museums Association approved a $10,000 grant to the RDDM for the gay life study in 1997, Stockwell Day and another Red Deer MLA, Victor Doerksen, voiced strong opposition. In his position as Alberta Treasurer, Day attempted to have the grant rescinded, forcing the Community Development Minister Shirley McClellan to review the granting of the award.[114] Day and Doerksen both attempted to create meaning frames to construct the gay life study as a public promotion of a *particular lifestyle choice* that was "morally wrong and both physically and psychologically unhealthy".[115]

In part, Museum officials did not believe the provincial government would revoke their grant, given the support and backing of the AMA.[116] As had occurred with *Kiss and Tell*, Museum officials in this situation also framed their opposition to the rescinding of the grant as censorship. Wendy Martindale, the Museum director, felt that other recent attempts by the extreme right wing of the Conservative caucus (like attempting to de-insure abortion) had not been successful, and hoped that their attempt at censoring the museum would also not be successful.[117] Nevertheless, Martindale was still unsure of the extent of political interference and possible censorship of the Museum's work, given the prominence of Stockwell Day:

> [W]e were really concerned because in this case, the impetus to censor the project was coming from the person that was the second most powerful politician in the province at the time. So that was really why we decided every time someone said something, we would say something back about why we were doing the project. And that this was censorship, and that it was like pulling a whole shelf of books of the library and saying that none of us had the right to know that they were there.[118]

Attempts by Day and Doerksen to create a cultural meaning frame around homosexuality as a lifestyle choice not worthy of study brought to light the growing split within the Conservative caucus between fiscal and social conservatives. While Day and Doerksen vocally opposed the grant on Christian, moral grounds, other members of the Conservative party disagreed with their positions. One member of cabinet argued that "this may help him get re-elected in Red Deer, but I don't think it does him any good in the rest of the province".[119] Another southern Alberta MLA -

representing a decidedly socially conservative region of Alberta - argued that the issue over the grant was barely registering in other parts of the province.[120] Most significantly, the Community Development Minister responsible for culture, Shirley McClelland, dismissed the argument that lottery money should not be used to study homosexuality and supported the AMA's grant decision, thereby upholding the arms-length approach to Arts funding in the province.

As had occurred with Kiss and Tell, the cultural framing of the issue by Museum officials as censorship elicited broad community support for the study of gay life. The attempted political interference also caused a rupture in the silence about homosexuality in Red Deer and the surrounding rural region. The Museum received hundreds of calls about the proposed study; the majority in support of their work.[121] While many gays and lesbians remain closeted in Red Deer and the rural regions to avoid homophobia, gay bashing, and losing their jobs, many did phone Martindale to indicate they were grateful that the museum was opening up space in a public institution to ensure their visibility.[122] Many of Stockwell Day's constituents also wrote and telephoned to contradict his statements that he was representing the concerns of the people in his riding.[123]

When the story of the grant broke in the national news, Martindale received a number of calls from gays and lesbians who had grown up in central Alberta, and moved to other parts of Canada and the United States.[124] These people affirmed for Martindale the need for the project, as many had moved away because they did not feel comfortable living in central Alberta. Support and affirmation for the project also came from the Gay and Lesbian Association of Central Alberta, which indicated that the project would help validate gay history in the region.[125]

In the end, the RDDM maintained their grant and conducted their research, resulting in the publication *Lesbian and Gay Life in Alberta*, published in 1999. That this debate ended successfully for GLBT people was in large part due to the opening in the political opportunity structure that emerged when a broad number of allies supported the cultural meaning frame of 'censorship' constructed by Museum officials. As a result, the subsequent study brought GLBT cultural challenges much more visibly into the public sphere, thereby challenging the constructions of the public/private divide. The struggle over their right to be seen and heard drew their GLBT identities farther into the public domain, and contributed to a growing sense of community membership in an area traditionally unfriendly to GLBT people.

Another factor that influenced the political opportunity structure was the lack of unanimity between members of the Conservative Cabinet. Sidney Tarrow argues that conflict among elites is one component of the POS that encourages social movement activists to organize:

> Conflict within and among elites [is] a …factor which encourages unrepresented groups to engage in collective action…When minority factions of the elite become the influential allies of outside challengers, challenges from outside the polity combine with pressure from inside to create incentives for political and institutional change.[126]

The fact that the grant to study homosexuality in Central Alberta was granted to the Red Deer and District Museum – a mainstream, well respected artistic institution – is also a significant reason why the province did not rescind the funding. If the same grant been given directly to a GLBT organization in the province, it is unlikely that the results would have been the same, given the hostility on the part of many Conservative Caucus members toward the citizenship claims of gays and lesbians. As Tarrow identifies, conflict among elites and the presence or absence of influential allies, such as the Alberta Museum Association or the Red Deer and District Museum, can contribute to the success of policy changes.[127]

VII Conclusion

GLBT cultural challenges to the public/private divide became progressively larger and more mainstream as the decades progressed from the late 1960s to the late 1990s. Conflict between GLBT people and different arms of the state emerged in each decade as a result of these challenges. Initially, the police provided the most resistance to GLBT sexuality and cultural practices; however, as homosexuality became less of a criminal matter and became viewed as more of a moral issue, elected officials became much more involved in attempting to regulate the appearance of GLBT sexuality in more mainstream cultural venues.

This chapter has demonstrated that the establishment and expansion of GLBT cultural spaces has gone hand in hand with traditional political activism for GLBT citizenship claims in the province. The expansion of GLBT cultural practices and sexual and gendered identities into the public sphere have elicited opposition from the provincial state. The defense of these cultural practices has led to very traditional political engagement with the state, such as political protests and lobbying politicians for public policy changes. This study demonstrates, therefore, that for GLBT people culture is an indispensable element of citizenship.

This chapter also demonstrates how the political opportunity structure in Alberta has changed over time, and has been influenced by the use of cultural framing. Cultural framing was used by both the state and the GBLT movement to mobilize support for their respective positions on the acceptability of GLBT sexual practices in the 1970s and 1980s, as well as GLBT cultural expressions in the more 'mainstream' public sphere in the 1990s. GLBT activists did not always succeed in re-defining cultural meaning frames of homosexuality from negative to positive associations. They did, however, succeed in challenging and sometimes changing state decision-making when conflict was framed in terms of censorship, as demonstrated with Kiss and Tell and the study of gay life, or freedom from state interference, as occurred in the bathhouse raids. As a result of the successful use of cultural meaning frames, GLBT social movement actors successfully mobilized a significant number of allies on a broad range of cultural issues, therefore creating openings in the political opportunity structure to make social change. As a result of the policy changes, the boundaries of the public/private divide shifted to become more inclusive of cultural expressions of GLBT sexual and gendered identities.

Notes to Chapter Three

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[1] See Pauline Rankin (2000) "Sexualities and National Identities: Re-Imagining Queer Nationalism", *Journal of Canadian Studies*, Vol. 35, no. 2, p. 176-196; Brian Walker (1996) "Social Movements as Nationalisms or, On the Very Idea of a Queer Nation" in Jocelyn Couture, Kai Nielsen and Michel Seymour (eds) *Rethinking Nationalism: Canadian Journal of Philosophy*, Supplementary Volume 22. Terry Goldie, on the other hand, questions the existence of a Queer Nation in Canada, without dismissing the possibility, in his published speech *Queer Nation?,* the Eleventh Annual Robarts Lecture, March 4, 1997, York University, Toronto, Ontario.
[2] Ibid.
[3] Michael Bronski (1998) *The Pleasure Principle: Sex, Backlash, and the Struggle for Gay Freedom. New York: St. Martin's Press*, p. 212.
[4] Shane Phelan (2001). *Sexual Strangers: Gays, Lesbians and Dilemmas of Citizenship*. Philadelphia: Temple University Press. p.30.
[5] Ibid, p.31-45.
[6] Interview with Liz Massiah, May 2, 2002.
[7] Bronski (1998) p. 212.
[8] Bronski (1998) p.190-192.
[9] Meeting places in Edmonton included: the Grand Hotel (10266 103 St), the Corona Hotel (10625 Jasper Ave), the King Edward Hotel (10065 100th St), the Mayfair Hotel (10815 Jasper Ave), the Pig 'n Whistle Restaurant and Bar (10548 Jasper Ave.), the MacDonald Hotel (10065 100 St), and the Royal George Hotel (10229 101 St).
[10] GATE Minutes, Nov. 16, 1972.
[11] "A Brief History of Gays in Alberta" *Broach*, November, 1985, p. 3.
[12] "A Brief History of Gays in Alberta" *Broach*, November, 1985, p.3; "Gay Rights in Alberta", *Gay Moods* (circa 1976) p. 2.
[13] See the 1993 National Film Board of Canada's production of *Forbidden Love: the unashamed stories of lesbian lives* for an in-depth discussion of gay and lesbian survival in North America in the 1950s and 1960s.
[14] "A Partial Chronology of the Edmonton Gay/Lesbian History", by Maureen Irwin, unpublished and undated, p.1.
[15] *Broach*, Nov. (1985) p.4.
[16] Ibid.
[17] "Gay Rights in Alberta", *Gay Moods* (circa 1976) p. 2.
[18] The home of Club Carousel, and then the Scarth Street Society, was on 1st Street in Calgary. Originally, the street was named Scarth Street.
[19] Marion Foster and Kent Murray (1972). *A Not So Gay World: Homosexuality in Canada*. Toronto: McLelland and Stewart, p. 165.
[20] Michael Bronski (1998) p. 79.
[21] Irwin, Maureen. "A Partial Chronology of the Edmonton Gay/Lesbian History", unpublished and undated, p. 1.

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[22] M.D. Smith (2002) “There Goes the Neighbourhood”, *Womanspace Newsletter*, November, p. 13.
[23] Ibid.
[24] "Duyahwanna Know About the Court?", (1996). *Illusions Newsletter* , Vol. 6, no.5, p. 3.
[25] Stephen Lock (2002) "Creating Gay Space in a conservative Environment", transcript of a workshop presented at Calgary Gay Men's Health Summit, p. 5.
[26] Ibid.
[27]"Duyahwanna Know About the Court?", (1996). *Illusions Newsletter*, Vol. 6, no. 5, p. 3.
[28] "An Introduction to the ICS", International Court System, http://www.impcourt.org/., accessed Oct. 22, 2002.
[29] Interview with Stephen Lock, May 16, 2002.
[30] "An Introduction to the ICS", International Court System, http://www.impcourt.org/., accessed Oct. 22, 2002.
[31] "The Imperial Court of the Chinook Arch", *Gay Moods* (circa 1977-78), p. 2.
[32] Interview with Darrin Hagen, July 9, 2002.
[33] David Bell (1995). "Perverse Dynamics, Sexual Citizenship, and the Transformation of Intimacy", in David Bell and Gill Valentine (eds) *Mapping Desire: Geographies of Sexualities*. London and New York: Routledge, p. 307.
[34] Ibid, p. 309.
[35] Gary Kinsman (1987). *The Regulation of Desire: Sexuality in Canada*. Montreal: Black Rose Press, p. 209.
[36] Ibid, p. 206.
[37] Ibid, p. 206.
[38] M. Warner (1993). "Introduction", in M. Warner (ed*) Fear of A Queer Planet: Queer Politics and Social Theory*. Minneapolis, University of Minnesota Press, p. 110.
[39] M. Warner (1993), p. 110.
[40] Rae Hull and Chris Zdeb (1981). "Why Did Police Wait 10 Years?: Gays", *Edmonton Journal*, June 1, A3; Rae Hull, Darcy Henton and Robin Barstow (1981). "Gay spy led police to raid spa", *Edmonton Journal*, June 4, B1.
[41]Lois Sweet (1981). "Gay spa raid a step toward erosion of individual privacy", *Edmonton Journal*, June 8, A6.
[42] Chris Zdeb (1981). "Sixty Arrested in Police Raid on Health Spa", *Edmonton Journal*, June 1, A1.
[43] Lois Sweet (1981). "Gay spa raid a step toward erosion of individual privacy", *Edmonton Journal*, June 8, A6.
[44] Joanne Munro (1981). "Tearful Gays testify after police raid spa", *Edmonton Journal,* June 1, A1.

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[45] Ibid. According to the Criminal Code of Canada, persons found in the premises of bawdy houses are required to give evidence regarding its purpose at a hearing in open court.

[46] Chris Zdeb (1981). "Sixty Arrested in Police Raid on Health Spa", *Edmonton Journal*, June 1, A1; Phair, Michael (1983). "Pisces Revisited: The Conclusion", *Fine Print*, April, Issue #1, No. 3. p. 8.

[47] Michael Phair (1983), "Pisces Revisited", *Fine Print*, Issue #1, p. 4.

[48] Interview with M. Phair, April 12, 2002.

[49] Phillip Knight, quoted in Robin Barstow (1982). "Raid drove gays back into closet", *Edmonton Journal*, May 30, B1.

[50] Rae Hull and Chris Zdeb (1981). "Why Did Police Wait 10 Years?: Gays", *Edmonton Journal*, June 1, A3.

[51] Rae Hull, (1981). "Gays say raids strengthen cause", *Edmonton Journal*, June 27, A11.

[52] "PDCE Formed to Fight Back" (1981). *The Newsletter*, Privacy Defence Committee of Edmonton, June, p. 2 (no author avail.)

[53] "Spa raid sparks rally for liberties", *Edmonton Journal*, June 2, 1981, A3 (no author available).

[54] "Bawdy House Law - Editorial", *Edmonton Journal*, June 2, 1981, A7.

[55] Hull, Rae (1981). "Gays say raids strengthen cause", *Edmonton Journal*, June 27, A11.

[56] Ibid.

[57] Michael Phair (1983) p. 4.

[58] Michael Phair was one of the few found-ins to appeal the Provincial Court's guilty verdict; his charge was overturned by the Court of Queen's Bench on November 1, 1983.

[59] Joanne Ramondt (1982). "City Police 'Sensitive' to Gay Concerns", *Calgary Herald*, March 15, B2.

[60] Ibid.

[61] Gordon Lee. (1983). "Violence Grows in Downtown Gay Community", *Calgary Herald*, June 4, A1.

[62] Ron Collins, (1983) "Police Forge Links With Gays", *Calgary Herald*, Thursday, Sept. 8, B1.

[63] Ibid.

[64] Ibid.

[65] Gordon Lee (1984). "Group Condemns Use of Cameras in the Washroom", *Calgary Herald*, May 26, B4.

[66] Sean Durkan (1984). "Police Clamp Down on Gays", *Calgary Sun*, April 5, 21.

[67] Henry Cybulski (1984). "Gays Resent 'Gestapo'", *Calgary Sun*, June 25, 4.

[68] Interview with Stephen Lock, May 16, 2002.

[69] Gary Kinsman (1987) p. 209.

[70] Brian Whittock (1983), "The Making of a Community", Edmonton *Fine Print* Newspaper, July.

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[71] G.B. Ingram, Anne-Marie Bouthillette, and Yolanda Retter (1997) "No More Shit: The Struggle for Democratic Space in Toronto", Queers in Space: Communities/ Public Places/Sites of Resistance, Seattle: Bay Press.

[72] Ibid.

[73] Interview with Michael Phair April 12, 2002.

[74] During the 1960s, police harassment of gays was quite regular in New York and in North America generally. Vice cops frequented gay bars to entrap and subsequently arrest gay men who tried to solicit them, and raids on gay bars and establishments were commonplace. In Canada and the United States harassment by the police was so prevalent that some gay bars installed red flashing lights to signal patrons to flee, or to change the sex of their dance partner, when a bar was being raided. It was within this context that police raided the Stonewall Inn, a busy, run-down gay bar that was operating without a liquor license in Greenwhich Village, on June 28, 1969. During the raid, the officers employed intimidation and physical roughhandling to arrest the patrons and load them into a paddy wagon. As a means to subdue the police's aggression, many patrons employed the use of "camp", but their efforts, however, failed. Weary of the constant harassment, the patrons of the bar - gay men, lesbians, street kids and queens - began to fight back. The melee grew, and riots ensued in Greenwich Village on and off for four days. In the end, gay activists negotiated with city officials to bring an end to the harassment by police. More generally, however, the riots symbolized the strength and beginning of a modern movement, and globally, the event facilitated the emergence of a positive gay and lesbian identity.

[75] "Edmonton Gays Celebrate Gay Pride Week", *Gay Gleaner*, June 1982; p.1 (no author available).

[76] Interviews with Barry Breau, May 1, 2002 and Liz Messiah, May 2, 2002.

[77] "Edmonton Gays Celebrate Gay Pride Week", *Gay Gleaner*, June 1982, p.1 (no author available).

[78] Interview with Stephen Lock, May 16, 2002.

[79] Interview with Stephen Lock, May 16, 2002.

[80] Interview with Stephen Lock, May 16, 2002; Interview with Richard Gregory, June 5, 2002.

[81] "Creating Gay Space in a Conservative Environment", speech by Stephen Lock to the Calgary Gay Men's Health Summit, 2002.

[82] Ibid.

[83] Ibid.

[84] Interview with Stephen Lock, May 16, 2002; Interview with Nancy Miller and Pam Krause, May 15, 2002.

[85] *Gay Gleaner*, March 1982, p.1.

[86] Ibid.

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[87] Chris Brickell (2000). "Heroes and Invaders: gay and lesbian pride parades and the public/private distinction in New Zealand media accounts", *Gender, Place and Culture*, Vol.7 No.2, p163-178.

[88] George Melnyk, "Culture and State in Alberta", *The Trojan Horse: Alberta and the Future of Canada.* Toronto: Black Rose Books, p. 257-258.

[89] Nancy Tousley (1993), "Kowalski Triggers Homophobia Charges", *Calgary Herald*, January 16, A1.

[90] Ibid.

[91] Ibid.

[92] Day later stated that he had not made the statement. Nancy Tousley (1993) "Funds Threat Has Arts Groups Up In Arms", *Calgary Herald*, January 27, A1.

[93] Ibid.

[94] "Rallying for the Arts", *Calgary Herald*, February 12, A4, 1993, (no author available).

[95] Quote from Gary Mar, Community Development Minister, in (1994) "Risque Art Risks Loss of Funding", *Calgary Herald*, May 25, A1.

[96] Ibid.

[97] Janine Fuller and Stuart Blackley (1996). *Restricted Entry: Censorship on Trial.* Vancouver: Press Gang Publishers, 71.

[98] Kiss and Tell (1994). *Her Tongue On My Theory: Images, Essays and Fantasies.* Vancouver: Press Gang Publishers, p. 110.

[99] Helen Metella (1994), "Artists Angry, others pleased at the curbs on controversial art", *Edmonton Journal*, May 26, A1.

[100] Ibid.

[101] Interview with Gloria Filax and Catherine Gutwin, June 18, 2002.

[102] Ibid.

[103] Kim Lunman (1994), "Let Politicians Judge Art - Kowalski", *Calgary Herald*, October 18, A2.

[104] Ibid.

[105] Ibid.

[106] Ibid.

[107] Joan Crockatt (1994), "Drawing the Line on Taste: Minister Says Courts -Not Government - Should Censor Art", *Edmonton Journal*, October 14, A7.

[108] Gloria Miller (1999) *Lesbian and Gay Life in Alberta*. Red Deer: Red Deer and District Museum.

[109] Red Deer and District Museum. Researching Communities Grant Application, April 1997. Appendix: *A Theoretical Framework for Gay Life as a Researching Communities Project.*

[110] Ibid, p 1.

[111] Gloria Miller (1999). *Lesbian and Gay Life in Central Alberta: Research Project Summary.* Red Deer: Red Deer and District Museum, p 4.

[112] Brenda Kossawan (1996). "Museum Holds Mirror to Society", *Red Deer Advocate*, May 11.

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[113] Brenda Kossawan (1996). "Gay discrimination doesn't exist: politician", *Red Deer Advocat*, May 11.

[114] "McLellan won't press moral issue over grant", *Red Deer Advocate*, August 30, 1997 (no author available).

[115] Stockwell Day, quoted in article by Larry Johnsrude, "I would do what I believe is right and pay the price", *Edmonton Journal,* April 15, 1997.

[116] Interview with Museum Director Wendy Martindale, August 6, 2002.

[117] Ibid.

[118] Ibid.

[119] Ibid.

[120] Ibid.

[121] Interview with Wendy Martindale, August 6, 2002.

[122] Ibid.

[123] Ibid.

[124] Ibid. See also, Linda Goyette (1997) "Albertans Think For Themselves, Thanks", *Edmonton Journal*, August 20.

[125] Andrea Maynard (1997). "Day Slams Grant for Gay Study", *Red Deer Advocate*, August 20.

[126] Sidney Tarrow (1994). *Power in Movement: Social Movements, Collective Action and Politics*. New York: Cambridge University Press, p. 88-89.

[127] Ibid.

CHAPTER FOUR

The Struggle for GLBT Inclusion into Alberta's Social Welfare Policies

I Introduction

The provision of social welfare supports has long been a cornerstone of citizenship in western industrialized welfare states. This chapter examines how the struggle between GLBT activists, the provincial bureaucracy and elected representatives of the Alberta legislature re-formulated social welfare provision in Alberta to be inclusive of GLBT identity-based interests. More specifically, in this chapter I examine the AIDS crisis in the 1980s and demonstrate how activists, bureaucrats and members of the medical community secured funding to provide health care and education to the gay community. In particular, I demonstrate how provincial electoral changes contributed to openings in the political opportunity structure, and provided avenues for GLBT activists to promote the funding of health care for HIV+ persons in their communities. I also demonstrate how medical professionals constructed new cultural meaning frames for gay men with HIV/AIDS in order to encourage the state to provide health care funding. As a result, state provision of funding for HIV/AIDS programs began shifting the boundary between the public and private divide. Public conceptions of HIV and AIDS started shifting from that of purely personal responsibility (or fault) to be kept in the private sphere, to that of collective responsibility for those affected by the disease in the public sphere.

Second, I demonstrate how Alberta became one of the first provinces in the country to provide funding for sex-reassignment surgeries for transgender peoples. Specifically, I show how supportive allies - in this case medical professionals - mobilized to lobby for appropriate health care services for transgender citizens. As well, I demonstrate how the re-construction of cultural meaning frames around transgenderism went from 'deviant behaviour' to 'medical illness', which then succeeded in justifying state intervention. Both of these factors initiated changes in the political opportunity structure and provided openings for the state to provide coverage of sex-reassignment surgery for transgender citizens in the province.

Finally, I examine the child welfare services in Alberta, and demonstrate how gay and lesbian activists and members of the medical community fought to change foster care policies in order to allow a lesbian mother to continue fostering her children. In particular, this section demonstrates how the denial of social welfare provision on the basis of sexual identity results in a denial of substantive citizenship for GLBT people. Specifically, I show how three factors both facilitated and in some cases constricted the political opportunity structure to produce a change in the fostering policy of provincial social services. First, activists worked to change the cultural meaning frames around the definition of family and the construction of same-sex parenting. Second, conflict between members of the governing Conservative party over the issue of same-sex foster parenting also provided an opening for public discussion of the issue. Third, the legal case of Delwin Vriend against the Government of Alberta influenced the interactions between GLBT social movement actors and the state during that time period. While the first two factors facilitated openings in the political opportunity structure, the third contributed to the constriction of the POS at that time. The result was a partial victory for Ms. T and same-sex foster parenting in Alberta. In the following section, however, I first examine some of the ways that the constriction of the welfare state over the last two decades has affected the provision of social services in Canada in general.

II Social Welfare as an Element of Citizenship

Social welfare supports evolved as a foundation of liberal democratic citizenship in western developed countries. In the post-World War II era, a consensus developed among governments, civil society and the private sector that there needed to be a shared responsibility for social welfare, and that to abandon individuals and families to the free hand of the market was insufficient to ensure prosperous nations. Pat Armstrong argues that the introduction of state-sponsored social welfare provisions in Canada secured an element of caring in the role of citizenship:

> Especially in the period following the Second World War, government reports, academic research, and social commentaries emphasized the Canadian commitment to social responsibility and to sharing the risks of ill health, disability, poverty, age and unemployment. These values were clearly evident in the introduction of federal programs and regulations designed to share risks and responsibilities among both people and provinces. Such programs simultaneously reflected and reinforced the notions of caring and sharing, in the process becoming central to our Canadian identity. [1]

At the national level, social programs such as Old Age Security, universal health care, Family Allowance, Unemployment Insurance and the Canada Pension Plan were introduced to support Canadians and reduce inequalities between citizens. The provinces, supported by federal transfer payments, were responsible for administering welfare programs, healthcare, and education.

By the 1980s, however, the post-war consensus in Canada began to break down, as neo-liberals began calling for more efficiency in social service provision and the need to pay down the national debt.[2] No longer were social programs intended to ensure equality and support for all Canadians; instead, targeted support for those most able to demonstrate their need was introduced. From the early 1980s onward, broad-based state provision of basic health and welfare services was consistently scaled back.

The contraction of the state social safety net in western developed countries had a significantly harder impact on marginalized peoples, including women, people of colour, persons with disabilities, the poor, and

GLBT peoples. Janine Brodie argues, for example, that single mothers were overrepresented as welfare recipients (60%) and as a result were particularly affected by the provincial cutbacks to the welfare system.[3] For GLBT people, however, social welfare supports have historically been limited to that which an *individual* was entitled. General health care services, welfare, unemployment and education were programs that GLBT individuals could most often historically access. Any services provided to married couples or families, however, such as child welfare services (adoption and fostering) and Canada Pension Plan survivor benefits, for example, were not provided to same-sex families. Moreover, as social welfare supports became more and more targeted to 'deserving' recipients in the 1980s and 1990s, it became increasingly difficult for GLBT people to gain access to social welfare support for themselves as individuals, especially when service provision was in response to needs that were intricately tied to their sexual identities, such as health care for gay men with HIV/AIDS, for example. It was especially difficult for GLBT people to access social services if their sexual identities became known by the state.

The resistance by the state in Alberta to the inclusion of GLBT identity-based interests into public welfare policies became abundantly clear as the issues of health care funding for persons with HIV/AIDS emerged in the 1980s, as well as in child welfare policies concerning lesbian foster parents in the 1990s. In these policy areas, state resistance to the recognition and inclusion of their identity-based interests came from Conservative elected representatives, while support for their inclusion eventually emerged from within the state bureaucracy. In contrast to these policy issues, the quiet establishment of provincial health care coverage for sex-reassignment surgeries for transgender Albertans in the 1980s and 1990s did not provoke such resistance and ambivalence from the state. The next section examines how the first of these struggles, health care funding for persons with HIV/AIDS, played out between GLBT activists and the state.

III HIV/AIDS Strategies and the Ambivalence of the Provincial State

In the 1980s, AIDS swept North America causing death and loss in numerous GLBT communities – and Alberta was not immune to the effects of the disease. The emergence of HIV/AIDS had two significant effects on the GLBT movement in Alberta. First, just as GLBT people in Edmonton and Calgary were starting to find their voices, AIDS hit the communities hard. The disease claimed the lives of many of its activists, and required the energies of many more to care for the dying, to lobby for their protection and care, and to ensure that their rights were respected. In essence, HIV/AIDS required many who had previously worked for civil rights to turn their attention to the health care needs of their community members.

Second, while the devastating effects of HIV/AIDS cannot be overstated, the effects of mobilizing around AIDS changed the broader gay and lesbian movement in a beneficial way. While sex - anonymous and otherwise - had always been a part of the GLBT culture, now members also explicitly learned how to love and to care for others in their communities as well. As one former HIV/AIDS activist noted, it taught men and women to care for each other in ways that they had never thought possible before.[4] An ethic of care and responsibility for members of their communities developed in a manner that had not previously existed.

The crisis also brought to light the homophobia operating in certain elements of the state, demonstrated by the resistance of legislators in responding to the health needs of people with HIV/AIDS and in their slowness to set aside money to address the crisis while gay men died. On the other hand, certain elements of both the medical community and provincial bureaucracy worked hard to implement the first provincial AIDS Coordinator in Canada, and to establish financial support for a provincial strategy. The era of AIDS reinforced for GLBT people just how fragile and tenuous their places as citizens were, and highlighted the complexity of the state.

In the following section I document the establishment of early AIDS organizations in Alberta and demonstrate how they arose directly out of the GLBT communities to work on behalf of people with HIV/AIDS.

Second, I show how three elements of the political opportunity structure were constructed and/or emerged to further the cause of GLBT activists. In particular, this section demonstrates how activists took advantage of electoral opportunities to press the state to provide health and social welfare entitlements to people with AIDS. Second, the presence of supportive allies - medical professionals and key members of the provincial bureaucracy - also contributed to the attainment of HIV/AIDS funding. Third, the re-framing of HIV/AIDS from a moral issue to a medical issue by medical professionals was a third factor that influenced the political opportunity structure, thereby assisting GLBT activists to attain their citizenship goals.

The Establishment of HIV/AIDS Organizations in Alberta

AIDS first emerged as a deadly disease in New York City in 1980, and by 1982 there were 30 documented cases of AIDS in Canada. In 1983, AIDS claimed the first life in Alberta – a bisexual American man living in Calgary. [5] The onset of AIDS drew many Alberta activists who had 'cut their teeth' in gay and lesbian organizations in the 1970s into the AIDS movement in the 1980s, to work on behalf of colleagues, friends and community members.

Both the Edmonton and Calgary GLBT communities responded quickly to take care of their affected members. In 1983, three of Calgary's gay bars worked cooperatively to hold a fundraiser, in which almost $5000 was raised and donated to the University of Calgary to start an AIDS research and education fund.[6] AIDS Calgary was started in a two-person office in the Old YMCA building in downtown Calgary and was incorporated in 1985 with ninety members and a five-member Executive.[7] The organization provided emotional support, information and education to victims of AIDS and the gay community, as well as engaging in political and legal lobbying. The role of the organization in Calgary was crucial, as the city experienced higher rates of persons with AIDS and AIDS-related complex than the entire rest of the province.[8] Richard Gregory, a longtime gay activist and AIDS activist for 17 years, remembered Calgary's gay and lesbian community as "a community in a perpetual state of grief" during the height of the AIDS crisis.[9]

In 1984, Ross Armstrong was the first person identified with AIDS in Edmonton. In response, gay and lesbian activists worked quickly to establish an organization in that city that could work on his behalf and also provide information and education to the larger GLBT community. That year, Michael Phair, Walter Calvalieri and a few other gay activists established the AIDS Network of Edmonton with the help of an $800 donation from the GLBT community organization, the Imperial Court of the Wild Rose.[10] The AIDS Network operated out of Michael Phair's home for the first year, developing educational materials and distributing them to the GLBT community and the public at large.[11] When a $6000 grant from The Winspear Foundation, a private provincial granting agency, came through in 1985, the AIDS Network of Edmonton was able to establish an office and continued to expand its work.

The majority of AIDS fundraising in both Edmonton and Calgary was done by the Imperial Courts. For example, when Catholic Social Services opened Kairos House for persons living with HIV/AIDS in Edmonton in 1987, the Imperial Court of the Wild Rose did extensive fundraising to maintain the programs, as noted by Darrin Hagen:

> The Court really came into their own when the AIDS crisis hit. No one was looking after those victims. Nobody gave a shit. It was the Courts that raised the money to keep those people in decent living conditions until they died. That money all came from within the gay community...a lot of the awareness and the education came through the Court. There's been fundraisers for Kairos House as long as Kairos House has been in existence.[12]

In Calgary, activists established SHARP- Society Housing AIDS Restricted Persons through similar actions and that organization too was initially entirely funded by the gay community.[13]

State funding for AIDS organizations was not forthcoming for the first few years of AIDS work. While community organizations sprang up to deal with the care and needs of AIDS patients, no level of government offered funding or policy development to assist persons with AIDS. Elected officials of both the City of Edmonton and the Alberta government, for example, initially refused funding to the AIDS Network of Edmonton.[14] While debating a funding request from the AIDS Network, Edmonton city councillors argued that it was not appropriate for a "homosexual organization" to be making such a funding request, given that "other people" (i.e. heterosexuals) that were affected would not go to them for assistance.[15]

Of the 165 cases of AIDS reported in Canada by 1985, 18 of those were identified in Alberta.[16] Like their municipal counterparts, provincial cabinet ministers also steadfastly refused to fund AIDS organizations in Alberta. In 1986, for example, it was reported in the *Edmonton Journal* that the provincial Social Services Minister Neil Webber personally refused a grant request from the AIDS Network of Edmonton.[17]

In 1986, the first state funding for AIDS came from the federal government, announced in the form of a $39 million AIDS prevention and community development program; however, the AIDS Network of Edmonton was not initially successful in receiving any funds.[18] The province of Alberta did not respond with any significant funding or policies until 1987-88, when it became apparent that the 'gay disease' was not being contained within the gay ghettos. In total, by 1987 there were 88 reported cases of AIDS in Alberta[19] only one of which had developed through intravenous drug use[20], and five that had been contracted through blood transfusions.[21]

The city and province's refusal to fund the AIDS Network demonstrates how social welfare supports were denied to those whose identities did not fit into the mainstream conception of 'deserving' citizens. As Janine Brodie argues, the re-structuring of the welfare state that started in the 1980s left "little tolerance for making 'special' claims on the basis of difference or systemic discrimination".[22] In the case of HIV/AIDS funding, gay men were not perceived by politicians as deserving; in fact, many Alberta politicians still conceived of homosexuality as an unhealthy lifestyle choice.

In 1987 the provincial government finally announced $6.6 million dedicated to educational ad campaigns, a provincial hotline for persons with AIDS, AIDS testing, and the facilities to make the drug AZT available to Albertans. The Edmonton and Calgary community-based AIDS organizations finally received state funding to support their programs, at a total of $130,000 each.[23]

According to Barry Breau, the first Executive Director of the AIDS Network of Edmonton, two factors contributed to the success of achieving state support for the AIDS programming: 1) the combined efforts of medical professionals and allies Dr. Waters and Dr. Romanowski, and 2) threats by AIDS activists that they would go to the media if the province did not start taking care of its citizens with AIDS. While Conservative legislators had long refused to deal with the AIDS crisis and AIDS activists, some members of the provincial bureaucracy worked hard to assist them and to provide victims of AIDS with much-needed programs and care[24], as activist Barry Breau notes:

> "Officially, they [the politicians] just didn't want to deal with it - although, the Sexually Transmitted Disease Clinic, which is part of the government, was. The way the services were being handled by the health care people [compared to] the official policies of the government, weren't always necessarily in sync".[25]

Allies in the medical and provincial bureaucracy, therefore, supported GLBT citizenship claims and significantly influenced the political opportunity structure. As a result, by 1987 Alberta became the first province to hire an AIDS coordinator, responsible for co-ordinating all provincial activities in relation to the prevention, control, and treatment of AIDS.[26] The establishment of the AIDS coordinator was promoted from within the provincial health bureaucracy by Dr. John Waters, director of the Communicable Disease Control and Epidemiology, and Dr. Barbara Romanowski, the Director of Sexually Transmitted Disease Control. According to AIDS activists, Waters and Romanowski had been extremely active working on AIDS issues, alongside grassroots gay communities.[27]

Medical professionals also succeeded in constructing a meaning frame around HIV/AIDS that conceptualized it as a medical issue in need of state support. Previously, many Alberta politicians had consistently refused to provide funding to assist persons with HIV/AIDS due to their ideological construction of persons with HIV/AIDS as morally unworthy, and thus unworthy of state support. Medical professionals were therefore able to re-construct the meaning frame from a moral to a medical issue, thus impacting the political opportunity structure. The new meaning frame garnered public and political support that was not previously forthcoming, and helped to provide an opening in the political opportunity structure, which in turn helped to achieve the goal of state funding.

As well, the lobbying efforts of AIDS activists also contributed to the success of achieving provincial state support for persons with AIDS and AIDS prevention work. In particular, the activists used the timing of the 1985 provincial election to press the Conservative government into providing funding, for which they would eventually receive for $130, 000 for each of the AIDS Networks in Edmonton and Calgary:

> "Our first grant from the province came with the election of Don Getty as Premier. We got approval for a grant to AIDS Edmonton and AIDS Calgary during the last two weeks of the election. They gave us grants so they would keep us out of the media, because we were threatening to go to the media to make an issue about the government not supporting care and not supporting prevention".[28]

Significant political instability in the province - unstable that is, by Alberta's standards - was occurring in the mid-1980s. The collapse in world oil prices and the resignation of the extremely popular Peter Lougheed as Premier in 1985 was hindering the re-election chances of the provincial Conservative party.[29] In the 1986 election, the Conservatives decreased their seats in the legislature from 75 to 61.[30] Moreover, the electoral voter turnout dropped from 66 to 47.3%, the lowest rate ever recorded in Alberta at that time, mostly at the expense of the Conservative Party.[31] The electoral instability in 1986, therefore, was a second factor that contributed to the opening of the political opportunity structure that allowed GLBT activists to press for and ultimately achieve state funding for HIV/AIDS programming.

The combined efforts of the AIDS activists and their medical allies in the provincial bureaucracy succeeded in achieving state funding to provide social programs for persons with HIV/AIDS, and also succeeded in putting Alberta's AIDS policies "ahead of its time", in comparison to the efforts of other provinces.[32] Surprisingly, then, when the Alberta provincial government did respond to the AIDS crisis, it became a leader of sorts, in the fight against AIDS, as one AIDS activist noted:

> "[Health Minister] Jim Dinning developed the first AIDS policy for the province. Alberta was the first province in Canada to have an AIDS policy...That's sort of the contradiction. [It happened] partly because of his staff in the Infectious Disease Unit and people like Dr. Barb Romanowski and some of the leading medical people [who] were champions on doing AIDS prevention work. In fact, the work that Alberta did on STDs was leading work in the country. So you had this Unit within Alberta Health headed up by John Waters and Dr. Barb, who were two key players in getting funding for HIV and an AIDS policy." [33]

By the end of the 1980s, numerous HIV/AIDS organizations emerged in Alberta, including the Edmonton Women and AIDS Project, Feather of Hope Aboriginal AIDS Prevention Society, the Gay Men's Outreach Crew, as well as organizations that developed in smaller urban and rural areas. Federal and provincial funding for any of the HIV/AIDS organizations would not be permanent, however, as governments began distributing grants for one year at a time or solely to fund specific projects.

The example of HIV/AIDS funding in Alberta, therefore, demonstrates how homophobia prevented elected officials from acting to address the health care needs of gay men. In place of state support, the

GLBT community stepped in to support and care for its own. In the process of addressing the lack of funding, GLBT activists were assisted by three factors in the political opportunity structure. First, activists took advantage of the unstable political atmosphere during a provincial election to press the state to provide health and social welfare entitlements to people with AIDS. Second, the presence of supportive allies - medical professionals and key members of the provincial bureaucracy - also contributed to the attainment of HIV/AIDS funding. Third, the re-framing of HIV/AIDS from a moral issue to a medical issue by medical professionals was a third factor that influenced the political opportunity structure, thereby assisting GLBT activists to attain their citizenship goals.

In contrast to this struggle, in the next section I examine how the health care needs of transgender Albertans were accommodated much more easily by the state.

IV Transgender People and the Provision of Identity-Based Social Services in Alberta

In comparison with state funding of HIV/AIDS programming, the struggle for basic health services for transgender Albertans was not as public nor as difficult to achieve. Despite the drastic cuts to health care and social welfare services in Alberta over the 1980s and 1990s, health care services for transgender people were maintained. In this section I examine the intersection of identity and citizenship for transgender people, and describe the emergence of provincial health coverage for sex-reassignment surgeries for transgender people. In this case, similar to the success of securing state funding for HIV/AIDS programming, medical professionals and bureaucrats in Alberta Health were key to ensuring the provision of services for transgender people. Their support influenced the political opportunity structure at the time, and provided an opening for the achievement of this public policy goal. As well, medical professionals also re-framed the cultural construction of transgenderism from that of a deviant behaviour to that of a medical illness, which then succeeded in justifying state intervention. Nevertheless, transgender activists still argued that service-provision did not cover enough essential services to ensure a complete physical transformation from one gender to another.

Transsexuals and 'Gender Identity Disorder'

The spectrum of transgender people is broad, and can include many individuals who are not comfortable with, or who reject, the gender identity that they were assigned at birth.[34] The term transgender includes cross-dressers, intersexed individuals, drag queens, drag kings, she-males and transsexuals; in each case it is meant to describe those individuals who reject wholly, or only in part, their birth-assigned gender identity.

Within the definition of transgender, transsexuals are often identified as those who have a "strong and persistent conviction that there is a mismatch between their true gender and the gender that their genitals suggest".[35] For many of these individuals, presenting and being accepted in their preferred gender is essential for their sense of self-worth, dignity and mental health.

Similar to the experiences of gays, lesbians and bisexuals with respect to their sexual orientation, both male to female (MTF) and female to male (FTM) transsexuals experiences a 'coming out' period, whereby they undergo a pattern of self-realization (and in some cases denial) that their gender identity does not match the identity assigned to them at birth:

> 'Coming out' may involve behaviors ranging from occasional 'presenting' in one's felt gender identity to full transition to daily life in that gender. The latter may occur with or without sex reassignment surgery. For those who do not undergo sex reassignment surgery, but who nonetheless identify as the other gender, the transition may still be complete with respect to the manner in which the individual conducts his or her daily life.[36]

At any point in the coming out process, transsexuals (and other transgender individuals) may face transphobia, otherwise known as the irrational fear, prejudice and discrimination directed at people who stray from the rigid male:female gender expectations of our society.[37] For some transgender people, it is imperative that they undergo the full transition process, including sex reassignment surgery, in order to live in their preferred gender. At this point, individuals emerge and seek out access to public services and facilities in order to further their transition process.

Many transgender individuals argue that only by full transitioning can transgender people begin to 'pass' as their felt gender, and thereby avoid some of the harmful effects of transphobia.

Transitioning from one gender to another is an extensive and in many cases costly process. It is also a process that relies intensely on the support and validation of the medical community. In Alberta, in order to receive coverage for sex-reassignment surgery, an individual must meet the requirements created by The Harry Benjamin International Gender Dysphoria Association's Standards of Care. In particular, he or she must first be diagnosed with a gender identity disorder and demonstrate "a strong and persistent cross-gender identification and a persistent discomfort with their sex or a sense of inappropriateness in the gender role of that sex". [38] Gender Identity Disorder is diagnosed by the presence of the following three criteria:

- The desire to live and be accepted as a member of the opposite sex, usually accompanied by the wish to make his or her body as congruent as possible with the preferred sex though surgery and hormone therapy.
- The transsexual identity has been present persistently for at least two years.
- The disorder is not a symptom of another mental disorder or chromosomal abnormality. [39]

The process to be accepted for SRS in Alberta (and all participating provinces) is very extensive and includes a series of social, psychological and physiological assessments. Initially, individuals must receive a reference letter from a physician identifying what they believe to be a transgender disorder, and recommending them to a psychiatrist eligible to diagnose gender identity disorders. In Alberta there are only two psychiatrists - one in Calgary and one in Edmonton - certified by Alberta Health to conduct these diagnoses. If, after conducting a psychiatric history and meeting with the patient numerous times, the psychiatrist agrees with the diagnosis, the patient is cleared to begin the medical process that will lead them to the sex-reassignment surgery.

Treatment for transsexuals diagnosed with Gender Identity Disorder requires individuals to 'come out' to friends, family and co-workers, and to begin the gender transition, in which they must live in their chosen gender for one to two years before being allowed to undergo surgery.[40] During their time of living in the opposite gender (also known medically as the 'Real Life Test') individuals must dress, live and act in their felt gender role twenty-four hours a day, and this requires that they use washrooms, change rooms and public services designed for members of their felt gender.[41] For many transsexuals, this period of trying to 'pass' in their felt gender is often the most dangerous, difficult and discriminatory in their transition process.[42] In order to pass the real life test, candidates are evaluated on their acceptance and ability to enact stereotypical male and female gender roles:

> Gender Identity Clinics are notoriously gender-conservative. During the Real Life Test, transsexuals are coached to "properly" walk, talk, dress and behave according to traditional gender norms. This means that in order to pass the Real Life Test, patients must adopt

> stereotypically male and female gender roles and presentations. Many people are critical of the apparent conservativism of many transsexuals, not realizing that a traditional gender presentation is required to gain access to necessary medical procedures.[43]

During their time in their Real Life Test, individuals also will begin to see an endocrinologist to undergo hormone therapy for about a year prior to surgery. Hormone therapy produces significant bodily changes in both male and female transsexuals:

> The introduction of male-to-female hormone treatment causes development of breasts, usually rather small, as well as redistribution of body fat and a general feminization of the figure, hair and skin. Body hair is often reduced but not removed. The use of testosterone hormones by female-to-male transgenders usually incites hair growth, redistribution of body fat, and a slight lowering of the vocal range. Emotional and libidinal changes have been observed by individuals who partake in cross-sex hormonal injections, although the exact effects are difficult to determine empirically.[44]

All of the effects of hormone therapy are reversible, and can be stopped at any point if the individual changes his or her mind. During the 'real life test', candidates for SRS must also obtain the approval of a second psychiatrist before they can be approved for surgery.

Alberta Health and Coverage for Sex-Reassignment Surgeries

In Alberta, cuts to provincial health care services began in 1988 under Premier Getty and became significantly deeper throughout the 1990s under Premier Klein, such that by 1997 Alberta's public services, including health care, were the lowest-funded in Canada.[45] At the same time that social health and welfare services were being cut in the province, the Premier and other provincial legislators criticized any opponents to the cuts as “special interest groups” and “whiners”.[46] It was clear that the provincial legislature was not willing to accommodate any citizen seeking health or welfare services that were perceived as ‘extra’ or ‘special’. Nevertheless, amidst the dismantling of the provincial welfare state, Alberta became one of the earliest provinces in Canada to provide health care coverage for sex-reassignment surgery (SRS) for its transgender citizens in 1988[47], the third province in Canada to do so at that time, behind Quebec and Ontario.[48] In comparison, British Columbia implemented coverage in 1998 that only applied to MTF sex-reassignment services.[49] Within each province, individuals must meet a number of criteria established by their provincial ministry of health in order to be accepted into the insured transition process.

Alberta has covered the costs of SRS since 1988, after a significant amount of lobbying by Dr. Lorne Warneke, a psychiatrist and gay rights activist in Edmonton who had started counselling transgender patients in the 1970s.[50] Dr. Warneke argues that at least three main factors led to the provincial coverage of sex-reassignment surgeries for transgender Albertans. First, he argues that Alberta Health most likely agreed to cover SRS in the 1980s due to the addition of Gender Identity Dysphoria as an official diagnosis listed under the American Psychiatric Diagnostic and Statistical Manual at the time.[51] Gender Identity Dysphoria (now referred to as Gender Identity 'Disorder') was added to the list of psychiatric conditions in 1980, only seven years after sexual orientation was removed.[52] Second, Dr. Warneke argues that his work with and persistent lobbying efforts on behalf of transgender people also influenced Alberta Health's decision to include SRS in the list of covered services; a claim that is borne out by the degree of prominence that the provincial Department of Health places on the medical system when approving sex-reassignment surgery for transgender people. Third, Dr. Warneke argues that the provision of out-of-province SRS has been maintained despite other severe cuts to health care due to the small amount of funding required to provide such services, as compared to other out-of-province costs.[53]

The factors listed above by Dr. Warneke demonstrate how changes to the political opportunity structure in the 1980s contributed to the implementation of state coverage of SRS. First, the cultural meaning frame around transgenderism was being shifted by medical professionals from that of 'individual deviant behaviour' to that of an individual with an illness in need of healthcare assistance. The medicalization of transgenderism therefore, provided an opportunity for the state to justify funding sex-reassignment surgeries without seeming to support moral deviancy. Second, the support and lobbying efforts of supportive allies such as Dr. Warneke also provided an opening in the political opportunity structure, to facilitate state funding of sex-reassignment surgeries.

Under Alberta Health, funding for SRS is covered as an 'out of province' expenditure because no facility exists in the province to conduct such surgeries. Between 1979 and 1985, three of Dr. Lorne Warneke's patients became the first known Albertans to undergo sex-reassignment surgeries, although their costs at the time were not covered by the provincial health care program. As no clinic existed in Canada at that time, they were required to go to Brussels, Belgium.[54] After 1985 and into the 1990s, Alberta Health covered surgeries at both the Clarke Institute of Psychiatry in Toronto and the clinic facilities of Drs. Yvon Ménard and Pierre Brassard in Montreal. With the retirement of the performing surgeon in Toronto, today Alberta Health provides coverage only for surgeries performed in the clinic facilities in Montreal.[55]

As of 2001, Alberta Health covered approximately 16 surgeries per year, which translated into coverage for part of the transition costs for about 12 individuals annually. In order to receive coverage, citizens needed to apply to the Alberta Health and Wellness Special Approval Committee for approval prior to undergoing surgery. The criteria for approval from the Committee included:

- That the patient be over 21 years of age and psychologically stable.
- That the patient have lived full time for at least 2 years in the role of the 'genetically' other sex.
- That the patient must be a resident of Alberta Health Care Insurance Plan and that his/her registration is in good standing.

- A letter of referral from the patient's Alberta psychiatrist (including patient's case history and confirmation of two years of cross-dressing in all aspects of his/her life).
- A letter of confirmation from a second psychiatrist confirming the diagnosis.
- A copy of a consultation report from the patient's endocrinologist.[56]

Once approval from Alberta Health was received, the province covered what it deemed to be 'required' surgeries for sex reassignment. Alberta Health, for example, covered the costs of airfare, any physician's fees and the cost of the clinic stay. In monetary terms, coverage for actual surgical procedures amounted to approximately $25,000 for FTM surgeries, and $11,000 for MTF surgeries.[57] For MTF transsexuals, this coverage included the cost of the surgery required to remove the male sex organs and construct a vagina, but did not cover the cost of breast augmentation, chondrolarngoplasty (shaving of the Adam's apple), voice surgery, or any other surgeries intended to produce a feminization of the body or face, nor did it cover the (often extensive) costs of electrolysis to remove unwanted hair developed in the initial male gender. [58] For FTM transsexuals, Alberta Health's coverage includes the costs of a hysterectomy, breast reduction, and electrolysis on the donor site for the phalloplasty procedure.[59]

There remain, however, questions about access to health services for transgender people in Alberta. Despite the fact that only one facility in Canada provides sex-reassignment surgery, Alberta Health will not provide funding for Albertans to go to the United States to undergo the same surgery. Cindy[60] from Calgary, for example, has personally spent over $100,000 for her transition costs, including receiving male to female sex-reassignment surgery at a clinic run by Dr. Toby Meltzer in Portland, Oregon.[61] After undergoing all of the required psychiatric processes for SRS and receiving her two letters of recommendation, Cindy had conducted significant research to determine where to have her surgeries performed, and met with both Dr. Meltzer in Oregon and Dr. Menard in Montreal. While initially she had hoped to use the clinic facilities in Montreal where services for SRS would be covered by Alberta Health, Cindy instead chose the Oregon clinic after her concerns about the high complication rates from the Montreal clinic were not allayed by discussions with clinic personnel.[62]

Prior to having her surgery done, however, Cindy contacted Alberta Health to inquire about coverage for sex-reassignment services, and out-of-country coverage in particular. In a written response, Alberta Health responded that:

> A basic level of coverage is also provided for medically required physician and hospital services provided out-of-province or out-of-country…Alberta residents may apply for out-of province or out-of-country when the service is not available in Alberta. This additional funding must be pre-approved. If your psychiatrist is prepared to support a request for prior approval of gender reassignment surgery and/or additional funding for out-of-province/country services, please contact the administrator of these committees for additional criteria information.[63]

While initially it appeared that Cindy would be eligible for coverage for surgery performed in the United States, a subsequent letter clarified that she could not, "since gender reassignment surgery is available in Canada, funding cannot be considered for patients to obtain surgical treatment out of country".[64] Cindy's case, therefore, demonstrates the limitations to coverage provided for gender-based health care services by Alberta Health.

Access to gender identity-based health care services in Alberta was also limited in terms of psychiatric services, as demonstrated by the case of Renée[65] from Calgary. When Renée, then presenting as a man, sought treatment for gender identity disorder with a psychiatrist in Calgary, she was told by him to "get a girlfriend and have sex for a year" as a way of curing her compulsion to become a woman.[66] Renée resorted to the internet to buy illegal estrogen and found a 'surgeon' on-line who was willing to castrate her to aid her transition process. Renée met the man posing to be a surgeon in a hotel room in Fort Qu'Appelle, Saskatchewan, and was castrated without anaesthetic; Renée fortunately survived the incident after being rushed to hospital. She subsequently entered into the transgender clinic at the Grey Nuns Hospital in Edmonton, working with Dr. Warneke, and was approved for sex-reassignment surgery in September of that year.[67] Renée's case, however, demonstrates the danger and transphobia that many transgender people can face when seeking appropriate social services that serve their needs.

British theorist David Evans argues that transgender individuals must carefully rehearse and practice their gender identity in order to be taken seriously and treated by the medical profession.[68] He argues that as a result of the medicalization of transgender identities, individuals have no right to request treatment:

> Transsexuals of course have the right to approach the medical profession for help, but, under the formal ethics of transsexual medicine, no right to demand treatment. However, there is no doubt that medical institutions have worked hard to promote specific transsexual as well as general cosmetic surgical expertise.[69]

In Alberta, the medicalization of transgender citizenship needs, including access to sex-reassignment surgery, has therefore had a twofold effect on transgender citizens. While on the one hand medical activism has actually resulted in the establishment and coverage of state services for transgender citizens, on the other hand, the same medicalization of the needs of transgender citizens has severely regulated which citizens are eligible for what services. The medicalization of transgenderism has also structured which medical services are covered by Alberta and which are not, as is shown by the limited access to services and the lack of coverage for a significant number of procedures that transgender individuals felt were required for the transition process. As a result, while the policies of the Alberta government regarding sex reassignment services may have been better than in many provinces, nevertheless, the citizenship of transgender individuals seeking health and social services was circumscribed by the policies' limitations.

In summary, access to sex reassignment surgery and related health services became available to transgender people much earlier in Alberta than any other province in Canada, with the exception of Ontario and Quebec. Coverage for SRS was achieved through the cultural re-framing of transgenderism, and through the agency of medical allies, both of which influenced the political opportunity structure available to activists. Moreover, access to these services was made possible due to the minimal amount of funding required to maintain coverage, and by the broad interpretations of existing health policies (out of province/out of country coverage) made by the provincial Alberta Health bureaucrats, that did not require the approval of the legislature.

Nevertheless, while health policy in Alberta began early to accommodate the identity needs of transgender people, its limitations were still apparent. The medicalization of the transition process has meant that transgender people remained extremely reliant upon psychiatrists and other medical professionals to approve their participation in any state-funded programs related to transition.

V Lesbian Foster Parenting and Child Welfare Services in Alberta

Like the health care struggles before it, GLBT people also challenged the child welfare system in Alberta to be inclusive of their citizenship identities. In this section I examine some of the theoretical arguments critiquing the distinction between the 'private sphere' and the 'public sphere' that have kept GLBT family forms from being recognized by the state. The distinction between the 'public sphere' and 'private lives' became blurred in Alberta with the case of Ms. T, a lesbian who was prevented from continuing to foster children when the state discovered her sexual orientation.

In this chapter I show how three factors both facilitated and in some cases constricted the political opportunity structure to produce a change in the fostering policy of provincial social services. First, activists worked to change the cultural meaning frames around the definition of family and the construction of same-sex parenting. Second, conflict between members of the governing Conservative party over the issue of same-sex foster parenting also provided an opening for public discussion of the issue. Third, the legal case of Delwin Vriend against the Government of Alberta provided a backdrop to the interactions between GLBT social movement actors and the state during that time period. While the first two factors facilitated openings in the political opportunity structure, the third contributed to the constriction of the POS at that time. The result was a partial victory for Ms. T and same-sex foster parenting in Alberta. In the next section, I will examine some of the ways that construction of the 'private sphere' and the 'public sphere' have marginalized GLBT families.

Keeping the Private Closeted: The State and Family Policy

Numerous theorists have critiqued the ideological construction of the family as a 'private sphere' that lies outside of the realm and scope of the state. For example, U.S. queer theorist Shane Phelan critiques the artificial divide between the public and private spheres and the corresponding separation of family and citizenship. She argues instead that the two are irretrievably bound:

> The central role of legally recognized marriage in mediating family and state confounds modern attempts to distinguish spheres of life, whether they be community versus state, love versus justice, or any other popular contrast between the "affective" realm of family and kin-like relations and the "instrumental" realm of autonomous agents. One need not take a particular normative position on this interrelation in order to recognize its pervasiveness and its structuring role in modern western societies.[70]

Similarly, in her article "Sexuality and Citizenship", British sociologist Diane Richardson argues that as a result of the denial of social service provision to gays and lesbians, they have been denied full citizenship:

> Social citizenship tends to be interpreted in terms of the social rights of welfare, and once again lesbians and gay men have highlighted their disadvantaged position. For example, same-sex relationships are not officially recognized or sanctioned; affecting pension rights, inheritance rights, as well as denying same-sex couples tax perks that married couples are entitled to. Other areas where access to full social citizenship is (hetero) sexualized include education, parenting, employment, and housing.[71]

Richardson also argues that the notion of privacy itself is a heterosexist notion, and that for gays and lesbians privacy has been circumscribed even *within* the "private" element of the public/private divide:

> Whilst lesbians and gay men are banished from the public to the private realm they are, in many senses, simultaneously excluded from the private where this is conflated with 'the family'...[T]he state withholds various rights of citizenship especially in familiar and quasi-familial contexts (partnerships, childbearing, entertainment in the home), which are facets of the private sphere where, in the ideology of the public/private divide, lesbians and gay men are supposedly 'licensed'. Thus, notions of privacy, as well as of public space, are exclusionary.[72]

GLBT people, therefore, have not only been denied entry into the 'public realm', but the state has been extraordinarily intrusive into their so-called 'private sphere' activities as well. Heterosexism and homophobia have disadvantaged GLBT families in a way that heterosexuals have not experienced. The drive to regulate the families of GLBT people has been particularly apparent in Alberta with respect to lesbian parenting.

The Case of "Ms. T"[73]

In Alberta, the state has had a mixed response to same-sex parenting. Historically, the state generally ignored gays and lesbians, refusing to recognize their family forms as legitimate and relegating their perceived 'abnormal' behaviour to the private sphere. In 1976, however, Alberta was the first province in Canada in which an out lesbian was awarded custody of her child during a divorce settlement.[74] During that case, the judge commented that because the mother was very discreet about her sexual relationship, the effect of public opinion on the child would be minimized.[75] The case demonstrated that the boundary between those actions considered 'public' and those considered 'private' for same-sex parents were separated by a very thin line – and that gays and lesbians were required to operate within a very circumscribed 'private sphere' in order to avoid state interference into their lives. The issue of same-sex parenting was not, however, a predominant one in provincial policy discussions for decades following this case. But in 1997, an Alberta woman who had been a foster-parent for 17 years was found unfit by the provincial government when it was discovered that she was in a same-sex relationship.

Eighteen months after separating from her husband, Ms. T's rural home outside of Edmonton was investigated by a social worker who inquired about the household sleeping arrangements. When the social worker determined that Ms. T and her live-in partner were "more than friends", the department of Social Services was informed.[76] As a result, after fostering over 74 children over a 17 year span, Ms. T's requests for more foster children were first delayed for a number of months, and were then subsequently denied.[77]

The province, however, did not have a formal policy concerning same-sex foster parenting and adoption. In place of a formal policy, the Minister of Social Services, Stockwell Day, had implemented informal practices in 1996, in which the state would only place foster and adoptive children in 'natural' or 'traditional' families. Day stopped short, however, of establishing formal written guidelines or policies on gay and lesbian foster-parenting[78], but argued that the informal policy was needed because the children needed "the most normative societal situation possible".[79] In this manner, Day attempted to construct a meaning frame around GLBT families, portraying them as deviant from the norm of heterosexual families.

In response to the Department of Social Services' refusal to place children with her, Ms. T. appealed the 'informal' policy to the Child Welfare Appeal Review Panel, and accused Stockwell Day of imposing his personal religious values on the child welfare system:

> "The value stance of one man has been made into public policy…And this policy has been developed in a vacuum. Foster parents have not been consulted, and neither have foster associations".[80]

In response to Ms. T's critique, Day maintained that "everybody brings their values to their occupation…I think [the position on foster parents] stems from a common-sense approach to policy-making."[81] It became apparent, however, that the policy on same-sex foster-parenting was not made in consultation with the public, with stakeholder groups, or even with the remaining members of the Conservative Caucus. As a result of the lack of consultation, the Edmonton and Area Foster Care Association supported Ms. T's appeal, calling her "the model surrogate parent".[82]

The ambiguity of the political arm of the state on this issue began to show, however, as Premier Ralph Klein clarified that Stockwell Day's position on same-sex foster parenting was not official government policy:

> That might have been his personal position, but this has been a matter that to my knowledge has never come to the cabinet table,

> has never come to caucus. I haven't received a tremendous amount of representation on this issue.[83]

A cabinet shuffle, however, did not resolve the political ambiguity of the policy. When Lyle Oberg was appointed Minister of Social Services in April, 1997, he reiterated that no policy existed barring homosexuals from foster parenting. Despite the lack of a formal policy, Oberg nevertheless placed the burden on gay and lesbian groups to demonstrate to him with scientific proof that gays and lesbians deserved to be considered "fit parents".[84] In response, Ms. T. and Dr. Lorne Warneke conducted research and presented the Minister with dozens of studies supporting gay and lesbian parenting.[85] Reports supporting same-sex parenting were also tabled in the Alberta legislature by Liberal MLA and Social Services critic Linda Sloan.[86] In doing so, GLBT activists and their allies attempted to construct alternative meaning frames for gay and lesbian parenting and GLBT families to normalize their family forms. The re-framing of gay and lesbian parenting, however, had a limited impact on the political opportunity structure, as noted below.

As a result of the research conducted by Ms. T. and Dr. Warneke, Oberg maintained, and formalized, the policy of discrimination against gays and lesbians, ***because*** the studies showed that gay and lesbian families were sometimes subject to discrimination and public ridicule. Oberg proceeded to commission a report from the National Foundation for Family Research and Education, a Calgary-based conservative research institution, to further substantiate his policy decision. The Foundation rejected the research put forward supporting gay and lesbian parenting, citing studies conducted by Paul Cameron, an American psychologist that had been discredited by the American Psychological Association and censured by the American Sociological Association for "consistently misinterpreting and misrepresenting research on sexuality, homosexuality and lesbianism".[87] Using Paul Cameron's research, the Foundation's report concluded that there was no evidence to support placing children in foster care with gay parents.[88]

The GLBT community rallied around Ms. T and the issue of same-sex foster parenting, conducting fundraising and letter writing campaigns to support her.[89] Murray Billett, a representative of Edmonton's Gay and Lesbian Awareness, critiqued the Social Services Minister and the formalization of the policy against same-sex foster parenting, stating, "Instead of saying, 'As Minister of Family and Social Services I have an obligation to families and to Albertans that that kind of persecution is unacceptable' what he has done is validated the persecution".[90]

Almost immediately following the formalization of the policy, Premier Klein, however, publicly announced that Alberta indeed had no policy concerning gay and lesbian foster parents, and that social workers would be the ones to determine "good family environments" until the caucus could debate the issue.[91] Klein's statements conflicted with those of both Minister Oberg and the department's Assistant Deputy Minister (ADM) Mat Hanrahan, who issued a Departmental Memo indicating that the department "would not place a child in a family living in a non-traditional arrangement or with a single person when it is known within the community that they are a practicing gay or lesbian".[92]

Ms. T lost her appeal to the Child Welfare Appeal Review Panel, however, and in response initially decided to proceed with a request to the Alberta Court of Queen's Bench for a judicial review of the policy, arguing it violated the *Canadian Charter of Rights and Freedoms*. Further political indecision on the policy was demonstrated by both Social Services Minister Lyle Oberg, who publicly waffled on the issue of gay and lesbian foster parenting, and the Premier, who proceeded to postpone any Caucus debate on the topic indefinitely, to await the outcome of the Supreme Court decision concerning Delwin Vriend and the inclusion of sexual orientation into the provincial *Individual's Rights Protection Act*.[93] In the end, social workers with the Ministry of Social Services began again to place children with Ms. T. when the child welfare system became overloaded, in spite of the opposition from legislative members.[94] As a result, Ms. T did not proceed with a Charter Challenge.[95]

The diverging opinions on same-sex foster parenting between Premier Ralph Klein and Social Services Ministers Stockwell Day and Lyle Oberg as well as the ADM Mat Hanrahan, demonstrates how conflict between elites can provide an opening in the political opportunity structure to effect change. The dissention effectively prevented a full caucus discussion and/or decision over the issue, and indecision took hold instead. The government essentially abdicated responsibility for the issue, and allowed members of the provincial bureaucracy (e.g. social workers) to make the decisions over same-sex foster parenting instead.

Finally, a legal challenge also affected the political opportunity structure at that time. The Conservative party essentially stopped making decisions on same-sex policy issues until the legal challenge by Delwin Vriend to have sexual orientation included into the *Individual's Rights Protection Act* was decided by the courts. Presumably, if the Government of Alberta won the lawsuit, it would permit the government to continue to discriminate on the basis of sexual orientation; if it did not win the lawsuit, the government would have to examine those provincial laws and policies that did discriminate against it's gay and lesbian citizens. And, given that Ms. T was threatening legal action in response to the government's decision to stop her from parenting, the decision by the Conservative Caucus to ***not*** make a decision on the issue was a partial victory for Ms. T. The government did not, however, legalize or create a policy to allow other gays and lesbians to foster children in Alberta.

VI Conclusion

The three social policy issues examined here – policies on HIV/AIDS, policies on sex-reassignment surgery and decisions on child welfare policy – all came about due to the lobbying efforts of GLBT activists who encouraged, and in some cases demanded, that the provincial state recognize their particular citizenship needs. In the instances where the medicalization of their identity-based citizenship needs was most explicit (in the cases of sex reassignment surgery coverage and eventually for HIV/AIDS policies) the provincial state responded with appropriate public policies. In the area of child welfare policy, however, legal challenges, conflict between elites, and conflict over the meaning frame of 'family' and 'same-sex parent' all intertwined to impact the decisions of provincial legislators, and were reflected in their refusal to formally permit same-sex foster parenting in Alberta.

In this chapter I demonstrated how three factors impacted the attainment of HIV/AIDS funding: provincial electoral opportunities, the support of medical allies, and the construction of new cultural meaning frames by medical professionals for gay men with HIV/AIDS. Taken together, these factors contributed to openings in the political opportunity structure, and provided avenues for GLBT activists to promote the funding of health care for HIV+ persons in their communities. As a result, public conceptions of HIV and AIDS started shifting from that of an immoral private sphere issue, to that of public responsibility for those affected by the disease. These changes began shifting the boundary between the public and private divide to accommodate GLBT citizenship goals around HIV/AIDS.

In this chapter I also demonstrated how two factors - supportive medical allies and their re-construction of cultural meaning frames around transgenderism - combined to promote the citizenship goals of transgender individuals in the province. Both of these factors initiated changes in the political opportunity structure and provided openings for the state to provide coverage of sex-reassignment surgery for transgender citizens in Alberta in the 1980s. Nevertheless, while the policies of the Alberta government regarding sex reassignment services came earlier and may have been better than in many provinces, the citizenship of transgender individuals seeking health and social services was circumscribed by a lack of scope and coverage.

Finally, in this chapter I showed how three factors both facilitated and in some cases constricted the political opportunity structure to produce a change in the fostering policy of provincial social services: the struggle over cultural meaning frames of 'the family', the division between governing elites, and the legal challenges posed by Delwin Vriend. While the first two factors facilitated openings in the political opportunity structure, the third contributed to the constriction of the POS at that time. While in the end Ms.T was able to continue fostering, no formal policy was forthcoming allowing other gays and lesbians to do the same. The result was a partial victory for Ms. T and same-sex foster parenting in Alberta. While this struggle brought the issue of same-sex foster parenting into public discourse, the refusal of the Conservative government to have a debate and make a policy decision on the issue resulted in shoving the issue back into the private sphere and off of the public agenda. This struggle over social welfare policy, and the lengths that Ms. T had to go to in order to maintain her status quo as a foster parent, also demonstrates how the denial of social welfare provision on the basis of sexual identity results in a denial of substantive citizenship for GLBT people.

Notes to Chapter Four

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[1] Pat Armstrong, (1997) "The Welfare State as History", *The Welfare State in Canada: Past, Present and Future*. Concord: Irwin Publishing, p. 52.

[2] Ibid, p.70.

[3] Janine Brodie (1996) "Restructuring and the New Citizenship", in Isabella Bakker (ed) *Rethinking Restructuring: Gender and Change in Canada* p. 126.

[4] Interview with Barry Breau, May 8, 2002.

[5] *Alberta Report* June 27, 1983. Vol. 10 No. 27, p. 36

[6] Judith Hamill (1983). "Gay Community Launches AIDS Research Fund", *Calgary Herald*, Friday July 22, p. B7.

[7] Interview with Richard Gregory, June 5, 2002.

[8] "AIDS in Alberta", *GATE Newsletter*, December, 1984, p.4.

[9] Interview with Richard Gregory, June 5, 2002.

[10] Interview with Michael Phair, April 12, 2002.

[11] Interview with Michael Phair, April 12, 2002.

[12] Interview with Darrin Hagen, July 9, 2002.

[13] Interview with Richard Gregory, June 6, 2002.

[14] Lasha Morningstar and Paul Cashman (1985). "Province Urged to Back AIDS Fight", *Edmonton Journal*, Wednesday, October 9, B3.

[15] Chris Zdeb Montgomery (1985). "Gay Groups want City to Help AIDS Agency", *Edmonton Journal*, Aug. 20, B8.

[16] AIDS Network of Edmonton *Newsletter*, Vol. 1, No. 1, January 1986, p.1.

[17] Chris Zdeb Montgomery (1985). "Gay Groups want City to Help AIDS Agency", *Edmonton Journal*, Aug. 20, p. B8.

[18] *AIDS Network of Edmonton Newsletter*, Vol. 1, No. 9, November 1986, p.1.

[19] Diana Coulter (1987). "AIDS Predictions Lowered in Alberta", *Edmonton Journal*, Nov. 22, D2.

[20] Don Thomas (1990). "Edmonton AIDS Cases Doubled and Expected to Double Again", *Edmonton Journal*, January 14, A1.

[21] Lorne Motley (1987). "Province Rapped for AIDS", *Calgary Sun*, Monday January 19, p 5.

[22] Janine Brodie (1996). "Introduction", in J. Brodie (ed) *Canadian Women, Changing State Forms, and Public Policy*. Toronto: Harcourt Brace and Company, p. 19.

[23] Lasha Morningstar (1987), "Alberta First Province to hire a Co-ordinator to Fight AIDS", *Edmonton Journal*, July 9, E2.

[24] Interview with Michael Phair, April 12, 2002; Interview with Barry Breau, May 8, 2002.

[25] Interview with Barry Breau, May 8, 2002.

[26] Lasha Morningstar (1987), "Alberta First Province to hire a Co-ordinator to Fight AIDS", *Edmonton Journal*, July 9, E2.

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[27] Interview with Barry Breau, May 1, 2002.

[28] Interview with Barry Breau, May 1, 2002.

[29] Keith Archer (1992). "Voting Behaviour and Political Dominance", in Allan Tupper and Roger Gibbins (eds) *Government and Politics in Alberta*. Edmonton: University of Alberta Press, p. 124.

[30] Elections Alberta, *Electoral Summary, 1905-2004*, http://www.electionsalberta.ab.ca/welcome.html.

[31] Ibid, p. 127. That record would remain the lowest turnout until 2004, when the voter turnout then dropped to 44.7 percent, according to Elections Alberta, *General Election 1905-2004: Overall Summary of Ballots Cast and Percentage of Voter Turnout,* http://www.electionsalberta.ab.ca/welcome.html.

[32] Interview with Barry Breau, May 1, 2002.

[33] Interview with Barry Breau, May 1, 2002.

[34] Ontario Human Rights Commission (1999) *Toward a Commission Policy on Gender Identity*, p 8.

[35] Barbara Findlay, Trans People and Health Care: An Equality Analysis, p 1. Paper prepared out of the Trans/Action Justice and Equality Summit.

[36] Ontario Human Rights Commission (1999) p 11.

[37] Allison Cope and Julie Darke (1999) *Trans Accessibility Project: Making Women's Shelters Accessible to Transgender Women*, p 23.

[38] The Harry Benjamin International Gender Dysphoria Association's *Standards of Care for Gender Identity Disorders*, Sixth Version, February 20, 2001 p 4. Available at http://www.hbigda.org/, accessed March 26, 2003.

[39] The Harry Benjamin International Gender Dysphoria Association's *Standards of Care for Gender Identity Disorders*, p. 5.

[40] Many, if not most transsexuals have already begun the transition process before starting medical treatment, including dressing in their felt gender, coming out to their friends and family, and in some cases, beginning the hormone therapy.

[41] Allison Cope and Julie Darke (1999). *Trans Accessibility Project: Making Women's Shelters Accessible to Transgender Women*, October, p 18.

[42] One interviewee for this study was chased by a police van and civilians while she was returning to her vehicle in the parking lot of a shopping mall in Calgary, for the mere fact that strangers suspected that she was transgender.

[43] Allison Cope and Julie Darke (1999), p 19.

[44] Whitney Barnes, The Medicalization of Transgenderism, *Trans Health*, Issue 1, Volume 1 Summer 2001http://www.trans-health.com, April 3, 2003.

[45] Kevin Taft (1997). *Shredding the Public Interest: Ralph Klein and 25 Years of One-Party Government*. Edmonton: University of Alberta Press, p. 2.

[46] Ibid, p. 71.

[47] Correspondence with Dr. Lorne Warneke, February 14, 2003.

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[48] Quebec introduced coverage for SRS in 1981 and Ontario introduced coverage in 1970 and repealed it in 1998. Email correspondence with Regie de l'assurance maladie du Quebec, August 22, 2004.

[49] The B.C. Medical Services Commission included sex reassignment surgery as an insured service under the provincial health plan; however, services that fall into the category of cosmetic surgery are not included in the coverage.

[50] Correspondence with Dr. Warneke, February 14, 2003.

[51] Ibid.

[52] "Timeline of Gender Identity Research", *Trans Health*, Issue 4, Volume 1 Spring 2002. http://www.trans-health.com, April 3, 2003.

[53] Interview with Dr. Lorne Warneke, July 19, 2002.

[54] Interview with Dr. Lorne Warneke, July 19, 2002. Dr. Warneke began counselling and diagnosing transgender patients in Alberta starting in the late 1970s.

[55] Interview with Dr. Lorne Warneke, July 19, 2002.

[56] Correspondence from Alberta Health to Cindy, November 12, 1999.

[57] Interview with Dr. Warneke, July 19, 2002.

[58] Interview with Dr. Warneke, July 19, 2002; Interview with Christine Baker, August 13, 2002.

[59] Correspondence with Dr. Warneke, February 14, 2003.

[60] Cindy's name has been changed to protect her identity.

[61] Interview with Cindy, February 23, 2003.

[62] Ibid.

[63] Correspondence from Alberta Health to Cindy, November 12, 1999.

[64] Correspondence from Alberta Health to Cindy, February 23, 2000.

[65] Her full name was not disclosed by *CBC Witness* in its coverage of her case.

[66] *CBC Witness,* 2001 (exact date of airing unknown).

[67] Ibid.

[68] David Evans (1993). *Sexual Citizenship: The Material Construction of Identities*, London: Routledge, p. 187.

[69] Ibid, p.199.

[70] Shane Phelan (2001).*Sexual Strangers and the Dilemmas of Citizenship*. Philadelphia: Temple University Press, p 71.

[71] Diane Richardson (1998), "Sexuality and Citizenship", *Journal of Sociology*, Vol. 32, No. 1, 83-100, p. 89.

[72] Ibid, p 90.

[73] When the conflict between Ms. T and the provincial social services over same-sex foster parenting first became public, Ms. T attempted to have her name withheld from the press to prevent harm from coming to her foster children. Upon learning her name, the press, however, eventually began publishing her name. In view of Ms. T's attempts at privacy, this study will only use the name Ms. T, as was used in early news reports.

[74] "Child Custody", *Fine Print Newspaper*, Vol. 1, No. 1, February, 1983.

[75] Ibid.

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[76] Charlie Gillis (1997). "Lesbian Mom Appeals Provincial Ruling", *Edmonton Journal*, March 21, A6.

[77] Ibid.

[78] Charlie Gillis (1997). "Gay Foster Parent to Fight Government Policy", *Edmonton Journal*, March 18, A6.

[79] Ibid.

[80] Charles Gillis (1997) March 21.

[81] Charlie Gillis (1997), "Lesbian Foster Mom's Case 'Common Sense'", *Edmonton Journal*, March 22, A5.

[82] "Sexual Politics: Foster Parenthood Rules Discriminatory and Hurtful" (1997), *Edmonton Journal*, March 20, A21 (no author available).

[83] "Tories Demand Proof Gays Fit to be Parents" (1997) *Calgary Herald*, April 17, A20 (no author available).

[84] Ibid.

[85] "Oberg says no to Homosexual Parenting" (1997) *Calgary Herald*, October 3, A13; Interview with Dr. Lorne Warneke, July 19, 2002.

[86] Kelly Torrance (1997). "Alberta's new family policy: (Ralph) Klein capitulates on homosexual foster parenting and most right-wing MLAs remain obediently mute", *Alberta Report*, August 11, Vol. 24, No. 35, 10-15.

[87] Ibid.

[88] Ibid.

[89] Interview with Julie Lloyd, May 9, 2002.

[90] Tom Arnold, (1997) "Protect Foster Kids from Gay Discrimination", *Edmonton Journal*, July 16, A1.

[91] Tom Arnold (1997) " Province Has No policy on gay fostering", *Edmonton Journal*, July 25, 1997, A6.

[92] Ibid.

[93] Kelly Torrance (1997) "Judges will decide: Lyle Oberg can't make up his mind on gay foster parenting. *Alberta Report*, October 20, Vol. 24, No. 45, p 13.

[94] Interview with Julie Lloyd, May 9, 2002; Interview with Dr. Warneke, July 19, 2002.

[95] It would not be until 2004, however, when the provincial Minister of Social Services would finally issue an extensive formal policy that could provisionally allow gays and lesbians to both adopt and foster children in the child welfare system in Alberta.

CHAPTER FIVE

Seeking Anti-Discrimination Legislation in Alberta: The Long Struggle For State Protection of Gays and Lesbians

> *"...gay people are no better or no worse than the average Albertan. And yet, gay Albertans often do not feel that they are a part of Alberta. Every gay Albertan knows that the government it pays to support will not come to his or her aid if he or she is discriminated against."*
>
> Gay activist Ben Berg, 1982[1]

I Introduction

Despite the fact that Alberta has had a bill of rights since 1966, anti-discrimination protection on the basis of sexual orientation was absent until 1998, when the Supreme Court of Canada ruled that sexual orientation must be included as a prohibited ground of discrimination. In this chapter I first outline a brief history of the legal changes in the 1960s that paved the way for the emergence of gay and lesbian anti-discrimination protection in Canada and in Alberta. Second, I examine the struggles for anti-discrimination protection of GLBT people in Alberta in the 1970s, 1980s, and 1990s. I argue that legislative committees provided openings in the political opportunity structure for GLBT activists in the 1970s. GLBT activists used storytelling at committee hearings as a method of engaging in political citizenship, in order to change the substance of their citizenship rights. Barriers in the 1980s, such as the influence of rural conservative voters, and the unwillingness of politicians to change the *Individual's Rights Protection Act* led, however, to constrictions of the political opportunity structure that prohibited GLBT activists from achieving their goals. In doing so, the Government of Alberta attempted to circumscribe the identities of gay and lesbian citizens within the private sphere, arguing that gays and lesbians would not experience discrimination if they merely kept their sexual identities hidden from the public sphere.

In this chapter I also argue that the struggle for inclusion of sexual orientation in the *Individual's Rights Protection Act* in effect became a struggle over meaning frames by various arms of the state - the legislature, the bureaucracy or the courts. Each of these parts of the state attempted to construct meaning around *who* possessed the authority to grant or deny state protection from discrimination on the basis of a particular identity. While the conflict over meaning frames first emerged between the Alberta Human Rights Commission and the Conservative Caucus, later it would erupt between the Caucus and the courts.

In the section below, I will first examine legal rights and how they constitute an important element of citizenship.

II Legal Rights as an Element of Citizenship

In general, formal legal status and protection from the state for GLBT people have been absent in western industrialized countries until recent years. As British theorist Diane Richardson argues, one's sexual status could prevent people from accessing the legal rights of a community:

> "[G]ay men and lesbians are only partial citizens, in so far as they are excluded from certain of these rights. This is evidenced by attempts to equal rights such as formal marriages and similar legal status in the armed forces, with heterosexuals. A further aspect...is the lack of protection in law from discrimination or harassment on the grounds of sexuality.[2]

Even as western liberal-democracies began to debate and in some cases provide legal citizenship status to gays and lesbians, they did so under the belief that GLBT people were "a minority group, different and *less than* the norm, but who can't help being that way". [3] In many instances, the conditions for granting legal citizenship rights were very circumscribed, and the boundaries for heterosexual "tolerance" of gays and lesbians were patrolled through a heterosexist public/private divide.

For gays and lesbians, then, the realization of their legal rights has been only partial. During the historical period examined in this study, GLBT people in Alberta had no legal equality rights, and formal protection from discrimination did not exist until 1998, when sexual orientation was read into the *Canadian Charter of Rights and Freedoms* by the Supreme Court of Canada. In Alberta, early provincial human rights laws did not include protection from discrimination for any designated group, but instead largely focused on protecting traditional civil rights, such as the right to worship, freedom of expression and assembly. The next section examines the introduction of early civil rights legislation in Alberta and how the social and economic conservative values of provincial legislators were reflected in the legislation, leaving little room in later years for the protection of more controversial identity-based human rights claims, such as sexual orientation.

III History of Human Rights Legislation in Alberta

In Alberta, civil rights developed within a political culture of social and economic conservativism infused with a strong dose of orthodox Protestant Christianity. The conservative values of the Social Credit Party of Alberta (which dominated the legislature for twenty-six years) and then later the Progressive Conservative Party (ruling from 1971 to the present) influenced which elements of a citizen's identity were protected under early civil rights legislation and the human rights legislation that followed.

The Social Credit Party was founded and led in 1935 by a Christian Evangelical Minister, William Aberhart (also known as Bible Bill). During his tenure as Premier until his death in 1943, Aberhart combined economic theory and Christian fundamentalist beliefs to promote social and political reform for the betterment of Alberta. Aberhart's pupil at the

Calgary Prophetic Bible Institute, Earnest Manning, succeeded him as Premier in 1943 and moved the province even further to the right of the political spectrum until his retirement from politics in 1968.[4] Both Manning and Aberhart hosted "Canada's National Back to the Bible Hour", a fundamentalist Christian radio broadcast, during their respective tenures as Premier of Alberta.[5]

Under the Social Credit government, the ideals of Christian spirituality and economic independence became interwoven with concepts of citizenship and human rights. After Aberhart's death in 1943, this approach to citizenship became explicit in the 1946 statute introduced by the new Premier Ernest Manning, entitled *An Act Respecting the Rights of Alberta Citizens.* Reproducing the preamble to the *Act* in detail demonstrates how irretrievably enmeshed the concepts of civil rights, freedom and access to economic resources, by that point, had become:

> Whereas the Province of Alberta provides all of the human and material resources necessary to provide for its citizens the material security essential to the enjoyment of personal freedom; and,
>
> Whereas the British North America Act imposes upon the province the constitutional responsibility of providing its citizens with an opportunity to realize and enjoy their property and civil rights; and,
>
> Whereas the discharge of the Province's responsibility necessitates the recognition of certain basic rights and responsibilities of citizenship and requires that its citizens have the necessary access to their resources so that they may produce the goods and services that they require and provide for their equitable distribution in a manner that will ensure to all an opportunity to ensure social and economic security with personal freedom; and,
>
> Whereas the control of Policy with respect to the issue, use and withdrawal of credit primarily determines the extent to which the citizens of Alberta may develop and enjoy the use of their

> resources and therefore must be a function of the electorate of the Province to be discharged on their behalf by their democratically elected representatives; ...enacts as follows: ...[6]

In what followed, the *Act* explicitly delineated the rights, freedoms and responsibilities that accompanied citizenship in the province of Alberta. Rights included the freedom of worship, expression, assembly; the right to engage in the work of one's choice and enjoy the opportunity for gainful employment; the freedom for a citizen to do or not to do anything they choose within the limits of the law; the freedom to acquire property, and, within limits, to enjoy one's home and property. The *Act* also included the right to the necessities of life for those under the age of 19, in order to ensure adequate health and well-being; if one was between the ages of 19 and 60, it guaranteed the opportunity for gainful employment and to a social security pension if employment was not available; for those over 60, the right to a pension and medical benefits upon retirement; and, the right to medical and social security benefits for those with disabilities and unable to work.

In return, it was expected that citizens were to: engage in the responsibilities of voting and other elements of citizen-involvement; to observe and comply with the provincial and federal laws; and, to respect the rights of others. The *Act* also legislated that citizens were to exercise initiative and enterprise in promoting the spiritual, cultural, and material welfare of the province.

While the *Act* went to great lengths to outline the rights and responsibilities of provincial citizenship, in the end the legislation was never implemented. The provincial government referred the *Act* to the Supreme Court of Alberta to determine its legitimacy and it was ruled *ultra vires* because it interfered in the federal jurisdiction of banking and currency.[7] Nevertheless, what is important for this study is the degree to which this *Act* demonstrated how civil rights became tied to economic self-sufficiency and the Christian ideals of spirituality.

An Act Respecting Human Rights was finally passed by the legislature in 1966 under Premier Earnest Manning. This piece of legislation prohibited discrimination in employment, public services and accommodation on a limited number of grounds: the basis of race, religious beliefs, colour, ancestry or place of origin.[8] A proposal to amend this bill to include prohibition on the basis of sex, age, and marital status in certain instances was introduced by the Social Credit government in 1971, and was subsequently passed by the Conservative government in 1972 as the *Individual's Rights Protection Act*. Sexual orientation and disability were not, however, identities that were granted protection in Alberta's early human rights legislation.

The introduction of the *Individual's Rights Protection Act* in 1972 by the Conservative government signaled the beginning of a new era of human rights in the province. The legislation provided the legal opportunity and impetus for the beginning of the gay and lesbian movement in Alberta.

The new legislation led to the birth of gay organizations in the province, such as Gay Alliance Toward Equality (GATE Edmonton), which was formed specifically to lobby for changes in legislation that discriminated against homosexuals.[9] The introduction of the Act and the subsequent opportunities for input provided by the Alberta Human Rights Commission provided openings for the mobilization of gay and lesbian activists. While this change in legal opportunities was enough to allow GLBT people to start raising their concerns about inclusion in the *Individual's Rights Protection Act*, it was not significant enough to provide any space for legislative changes.

In the next section I examine how gay and lesbian organizations emerged in Calgary and Edmonton to fight for the inclusion of their sexual identities as grounds for protection in the new provincial human rights act.

IV The Struggle for GLBT Human Rights in Alberta

Mobilizing Dissent: The Birth of Gay and Lesbian Organizations in Alberta

Two main GLBT organizations were created in the early 1970s to lobby for civil rights and to provide services and a sense of belonging to the emerging gay and lesbian communities in Edmonton and Calgary. Edmonton's Gay Alliance Toward Equality (GATE) and Calgary's Gay Information and Resources Centre (GIRC) were created during a time of significant social and political change in Alberta and marked the birth of GLBT political activist organizations in the province.

In the early 1970s the populations of Calgary and Edmonton rose substantially, with an increased number of white collar workers and a rapidly expanding economy fuelled by the development of the oil and gas sector.[10] These were also radical times for the two largest universities in the province - the University of Alberta (in Edmonton) and the University of Calgary. Each institution was growing at a continuous rate; by the late 1960s the University of Calgary had almost 8,000 students, while the University of Alberta had nearly twice as many - at 17, 354.[11] Student protests in Alberta were becoming a common political tool at this time, when in 1966 University of Calgary students held a sit-in to demand longer library hours, and in 1968, 3000 students from the University of Alberta marched from the campus across the river to the legislature to protest rising tuition fees and demand more funding for universities.[12] Similar to the rest of North America, significant social upheaval was happening across the province:

> The new left, black and red power, and women's liberation all became topics of debate on university campuses, and American spokespersons for each of these movements brought their views to the province…Indian and women activists, who were developing a new consciousness and pride, began challenging racist and sexist laws and practices.[13]

In the midst of the radicalization of the two campuses, Alberta's first gay rights activists emerged. In 1971 in Edmonton five "radical left wing students" from the University of Alberta (Michael Roberts, Bob Emery, Bill Booth and Tom Hutchinson, and M.A. Mumert) formed Gay Alliance Towards Equality in Edmonton, in order to lobby for changes in legislation that discriminated against homosexuals.[14] The Edmonton organization was the second "GATE" to form in Canada - the first was started in Vancouver in July, 1971, and the third in Toronto in the spring of 1973.[15]

Shortly thereafter, in 1973 a few students at the University of Calgary established The People's Liberation Coalition (PLC), with Allan Zduritch and Windi Earthworm as two of the main organizers.[16] During its short-lived existence the PLC obtained an office alongside other left-leaning organizations in the Old Y Centre for Community Action Groups in Calgary and opened as a drop-in centre, while also offering a phone-in support line for gays.[17] Although the organization lasted only a few months, the phone line and drop-in services were maintained, and by 1975 was formally operated by Gay Information and Resources Calgary (GIRC). [18]

In Edmonton, GATE meetings rotated through member's homes until 1973, when a drop-in centre was set-up at 11012 86 Avenue, in the home of Michael Roberts and Ken King.[19] By 1975 GATE had secured an office at 8225 109 Street, and started to offer services to the gay and lesbian community.

The main activities of both GIRC and GATE in their formative days included counselling, educational work, fundraising, organized social activities and political action. Members of both organizations trained peer counsellors to work with gays and lesbians, operated telephone information lines and speaker's bureaus to provide community education and outreach. Both GATE and GIRC organizers also organized dances, picnics, camping events and other social activities for communities that had previously been widely dispersed and deeply underground.[20] These organizations set the groundwork for the political mobilization of gays and lesbians throughout the following decades. In the next section I examine how theories of active citizenship help to explain the activities that GLBT people engaged in to achieve anti-discrimination protection in Alberta.

Active GLBT Citizenship: Political Storytelling to Transform Law

In western liberal democracies, traditional political participation for GLBT people - activities such as running for political office or influencing public policy - have been significantly circumscribed by homophobia and heterosexism. Diane Richardson describes these limitations on citizenship as such:

> Turning to political citizenship…their ability to exercise their political power is limited. The knowledge that someone is lesbian or gay has long been seen as a positive disadvantage, if not a disqualifier, for political office…[and] political parties are often at pains to distance themselves from being seen to be connected to gay and lesbian causes.[21]

Historically, this limitation on political activities has been prevalent in Canada and Alberta in particular.[22] In response to this rejection from the formal public sphere, GLBT people have either hid their sexual orientation in order to run for public office, or worked on the political campaigns of allies, or have instead organized in social movement activities.

Those who have engaged in social movement activities have employed various methods to influence public policy. One political method that GLBT activists have used to influence public policy is making presentations to legislative and bureaucratic committees. British sociologist Ken Plummer has created a useful theory for explaining how these activities are linked to citizenship. Plummer argues that an active conception of citizenship must include the intimate aspects of one's life - aspects of life which are typically left to the private sphere. For Plummer, including intimacy is important because it creates a citizenship that is constructed by the telling of stories related to families, bodies, representation, gender, and the erotic. According to his theory, communities or individuals that tell personal stories of an intimate nature define a crucial element of citizenship; the actual telling of stories will in effect create or shape the rights which do or do not develop.[23] Plummer's theory helps to explain, therefore, how GLBT people's storytelling of exclusion or discrimination to state bodies could influence how and whether they achieve/receive protection from the law:

> In sum, therefore, citizenship must be conceptualized as both a practice and a status, in order to capture the dynamic interaction over time between social actors and the state in the development of citizenship status, rights and responsibilities. Moreover, using an approach that allows for intimate story-telling allows us to name

and validate those expressions of identity that inform substantive citizenship; in this case, sexual and gender identities.

Over the last thirty years in Alberta, GLBT activists have consistently appeared before legislative committees in order to exercise their political citizenship, in the hopes of influencing the development of public policy. In doing so, personal storytelling was a prominent tool that allowed them to identify the impacts of barriers and discrimination in their public lives. The next section describes and analyzes how the political organizing of GLBT people for anti-discrimination protection became, in and of itself, activities of citizenship.

Early Days of the IRPA: Lobbying for Protection from Discrimination on the Basis of Sexual Orientation

One of the main reasons that GATE and GIRC were formed was to lobby for human rights protection for gays and lesbians both in the province of Alberta and in Canada more generally. In Alberta, the year 1971 heralded a major political change, as Peter Lougheed led the provincial Conservatives into a majority win, and unseated the Social Credit party that had been ruling since 1935. The growth of the urban influence in Alberta had an impact on the electoral system in the early 1970s.[24] As a result of the more secular urban influence on the province as a whole, the legislative impact of elected moral and social Conservatives was tempered in the early 1970s. This opening in the political opportunity structure, combined with the national decriminalization of homosexuality, and the introduction of the *Individual's Rights Protection Act* (IRPA) in 1972, mobilized gay and lesbian activists to organize for change.

The intent of the IRPA was to protect Alberta citizens from discrimination, particularly in the areas of housing, employment, and the distribution of public services. The new *Act*, however, did not include protection for gays and lesbians - nor did any other provincial or federal human rights legislation at that time. This omission in the law mobilized early GLBT social movement actors to achieve an inclusive remedy.

While the lack of legislative protection was identified almost immediately by Alberta GLBT activists as a barrier to their equality[25], their first full scale attempt at having the IRPA amended did not happen until 1976, the year that the Alberta Human Rights Commission announced that it would consider amendments to the *Act*, and began to hear statements from various human rights groups in the province.

In March, 1976, GATE members (with the endorsement of GIRC Calgary) presented a brief entitled "Homosexuals: A Minority Without Rights"[26] to the AHRC. In it, activists called upon the Commission to implement three specific actions: 1) to recommend that the IRPA and the *Alberta Bill of Rights* include protection for male and female homosexuals and bisexuals; 2) to reject a judicial approach that would broaden the interpretation of "sex" to include homosexuals, and; 3) to conduct public education programs to fight discrimination against the above-noted groups. [27]

To support their claims for legislative protection, GATE members described the discrimination faced by gay and lesbian Albertans, while at the same time attempting to educate the AHRC members about the stereotypes that encouraged discriminatory behavior. Specifically, the brief outlined numerous cases of discrimination encountered by gays and lesbians in both rental accommodation and employment, especially in terms of applying for and/or keeping their apartments or jobs.

GATE members also challenged the belief that gay, lesbian and bisexual people did not exist, and using the methodology of Alfred Kinsey, estimated that at least 28,000 Albertans were exclusively homosexual, and as many as 234,000 people in Alberta may have had at least some homosexual experiences.[28] However, instead of engaging in a discussion of civil rights for gays and lesbians, GATE members were interrogated by members of the panel about why homosexuals were "unstable", "unreliable" and "pedophiles". In their defense, GATE members were required to defend their sexual practices, arguing that "the overwhelming majority of homosexual people, just as the majority of heterosexual people, have no sexual interest in children whatsoever". [29]

GATE members also argued *against* re-interpreting the definition of "sex" in the IRPA to include sexual orientation. In general, GATE members argued that trying to fit sexual orientation into the category of sex was not sufficient for protecting the rights of homosexual people. GATE's research showed that Human Rights Commissions in other provinces had had a wide range of responses when gay and lesbian complainants attempted to use the category of "sex" as the basis of their complaint.[30] Saskatchewan had supported the interpretation to include sexual orientation;[31] British Columbia had suggested broadening the list and scope of prohibited grounds to possibly include sexual orientation[32], while the Ontario Human Rights Commission and the Alberta Human Rights Commission had already ruled that they would not accept sexual orientation complaints under the category of "sex". [33] GATE's brief argued that "sexual orientation" not "sex" was needed in the *Act*, in part because it was not the intention of the Alberta Legislature to include sexual orientation under the term "sex" at the outset, and in part because that interpretation did not correlate to the lived experience of gay and lesbian people.[34]

Sidney Tarrow argues that increased access to the state by social movement actors is an important structure of political opportunity.[35] While Tarrow has generally interpreted this access to mean voter participation in elections,[36] this study demonstrates that legislative hearings provide another method of opening up access to power. Starting with the AHRC legislative hearings in 1972, therefore, GLBT activists in Alberta took advantage of the opening in the political opportunity structure to promote the achievement of their citizenship goals.

Kathleen Lahey, in her book *Are We 'Persons' Yet? Law and Sexuality in Canada*, argues that gay and lesbian activists in the 1970s were reactive, rather than active, in constructing the categories of their legal rights. She argues that a (gay and lesbian) human rights lobby "sprang up" across Canada after the Ontario Human Rights Commission confirmed in 1977 that it would not hear cases of sexual orientation under the category of "sex" discrimination; the lobby therefore started to use the court's concept of "sexual orientation" as an explanatory variable for the discrimination that they faced, rather than the term "sex" which they had been previously attempting to access.[37] While I agree with Lahey that gay and lesbian activists at this time were required to work within the confines of legal terminology established by human rights tribunals and the courts, I would argue that activists in Alberta demonstrated that the category "sex" was *substantively* insufficient for describing the discrimination that gays and lesbians were experiencing. And while activists may have been pragmatic in wanting to work *with* the Alberta Human Rights Commission, the substance of the analysis was prioritized over the pragmatics of achieving social change. In short, nothing less than an amendment that included sexual orientation would do.

Recognizing that legislative change was insufficient without a change in social attitudes, GATE members also strongly encouraged the Alberta Human Rights Commission to work extensively on decreasing ignorance about homosexuality. In particular, they encouraged the AHRC to undertake further research, and to develop and implement programs for schools and the public that would ameliorate the systemic bias that many gays and lesbians were experiencing.[38]

In the summer of 1976 GATE members employed a massive letter-writing campaign, aimed at convincing the Alberta Human Rights Commission to include sexual orientation in its amendments. GATE's provincial Civil Rights Director, Rosemary Ray, and GATE's federal Civil Rights Director, Bob Radke, were key in organizing these efforts. [39]

In the fall of 1976 the Alberta Human Rights Commission agreed for the first time that discrimination on the basis of sexual orientation in the area of employment should be prohibited by the IRPA, and made a recommendation to Neil Crawford, the provincial Minister of Labour, to make the necessary changes.[40] In turn, GATE members turned their attention to educating the broader public, in order to increase support for the amendment. GATE met with and conducted consciousness-raising with Members of the Legislative Assembly and began coalition work with other provincial social justice organizations, including the Alberta Federation of Labour, disability organizations and women's organizations.[41] If they had been successful, Alberta's gays and lesbians would have been the first in Canada to achieve human rights protection.

The Commission's recommendations were, however, flatly rejected by the Conservative Caucus. Moreover, the Conservative government was so incensed by the AHRC's recommendation to include sexual orientation into the IRPA, that it did not release any of the AHRC's recommendations to the public[42] and decided to postpone any changes to the IRPA indefinitely.[43] In response to inquiries about not including sexual orientation in the *Act*, the provincial Minister of Labour argued that there was not broad consensus for "gay liberation" in Alberta:

> "I don't think that any government in Canada that didn't want to be angrily flung from office would go in that direction for some time."[44]

Nevertheless, other provinces *had* already started in that direction, and Quebec would include sexual orientation as a prohibited ground of discrimination in their provincial *Charter of Rights* in the following year (1977).[45] The conservative ideology of Conservative party legislators, however, played a large part in preventing the expansion of human rights for gays and lesbians in the province in 1976. The initial conflict between the ruling Conservative party and the Alberta Human Rights Commission also demonstrated the beginning of a struggle over the ability to define who held "the authority" to define which citizen identities were deserving of state protection. In other words, both the AHRC and the Government of Alberta entered into a conflict of meaning frames over which arm of the state - the bureaucracy or the legislature – had the power to decide if gays and lesbians deserved state protection from discrimination. At the outset, the AHRC did not significantly challenge the meaning frame of 'legislative supremacy' constructed by the Conservative Caucus, but it would with time.

The introduction of the *Individual's Rights Protection Act* in 1972, and the subsequent AHRC hearings into amendments for the Act, provided the first political opportunity for gay and lesbian activists to put forward their legal citizenship claims. The introduction of the *Individual's Rights Protection Act* in 1972 provided a new legal opportunity for the mobilization of the fledgling gay and lesbian movement in Alberta. While this change in legal opportunities was enough to allow GLBT people to start raising their concerns about inclusion in the *Individual's Rights Protection Act*, it was not significant enough to provide any space for legislative changes - until the hearings of the Alberta Human Rights Commission.

The hearings offered activists a chance to engage in political storytelling as a method for influencing public policy and achieving their citizenship goals. Nevertheless, their initial claims for legal citizenship equality were not successful. In her national study of the gay and lesbian movement in Canada Miriam Smith argues that in the 1970s gay and lesbian organizations did not have any expectation of achieving those rights:

> Equality-seeking in the seventies was pursued within the meaning-frame of gay liberation, using the political opportunity structure of the time, human rights codes and commissions...Rights claims under the law were not seen as separate from politics. Rather, equality-seeking was deployed as a strategy and a meaning frame in order to build a sense of lesbian and gay political identity, to mobilize the lesbian and gay constituency and to develop the networks and organizations of the gay liberation movements...the achievement of legal or political changes was rightly viewed as unlikely during this period.[46]

Unlike the findings of Miriam Smith's study, however, this study has found that in the 1970s provincial activists did hope to achieve political and legal change through the provincial human rights commission. It was due to the failure of the attempts in the 1970s to change the Alberta Human Rights Code that activists in Alberta would turn in the 1980s to the development of gay and lesbian networks and organizations to broaden the GLBT movement.

The Creation of the Alberta Lesbian and Gay Rights Association and Round Two of the IRPA

In August, 1978, the Canadian National Gay Rights Coalition (NGRC) held an annual meeting in Halifax, Nova Scotia. At that meeting the NGRC reorganized itself, in an attempt to increase provincial representation and to establish equal representation of men and women.[47] The changes resulted in the metamorphosis of the pan-Canadian organization into the Canadian Lesbian and Gay Rights Coalition (CLGRC).

Claire McDuff-Oliver of Edmonton represented GATE at the Halifax meeting, and after her return, GATE organized the first Alberta-wide conference of gay and lesbian organizations in April, 1979. The purpose of the conference was to elect representatives to CLGRC and to begin co-ordinating the efforts of gay activists within the province. Numerous local

GLBT organizations attended the conference, including the newly-formed Edmonton Lesbian and Gay Rights Organization[48], Dignity Edmonton, Metropolitan Community Church (Edmonton), the Edmonton Women's Coalition, the Gay Association of Red Deer (GARD) and Gay Information and Resources Calgary (GIRC).[49]

At the Conference these organizations formed The Alberta Lesbian and Gay Rights Association, in order to provide provincial input into the national gay and lesbian rights agenda and act as a regional body for the CLGRC. Activists later established the Alberta Regional Office of the CLGRC in Edmonton, operating out of GATE. The goals of ALGRA were more broad-sweeping that those of activist groups that had come before: to work provincially in the area of civil rights, to enhance outreach to rural gays and lesbians; to provide public education and inter-group communication, and; to establish a stronger, organized body to lobby the Alberta government.[50]

ALGRA activists did not have long to wait. After over two years of government silence on the amendments to the IRPA proposed by the Alberta Human Rights Commission, the Commission went public in 1979 and released the recommendations on its own. Mounting public concern regarding the status of human rights protections in the province led the Alberta Human Rights Commission to again consult the public regarding amendments to the IRPA. This opening provided ALGRA with its first opportunity to improve the human rights of gays and lesbians in Alberta.

Lessons from the first round of IRPA hearings had taught gay activists that in order to succeed, they believed that they needed to demonstrate that 1) gays and lesbians actually *existed* in Alberta; 2) that discrimination was being perpetrated against them, and; 3) that public opinion would support granting them protection by the state. ALGRA's brief, therefore, argued each of these points in turn. In particular, ALGRA members argued that including sexual orientation as a ground for prohibiting discrimination in the *Act* was much more acceptable in 1979 than it was in 1976, citing support from a wide number of allies, including: the Alberta Federation of Labour, the United Church of Canada, the New Democratic Party, the Alberta Human Rights Commission itself, and public opinion polls published by Gallop[51]. Moreover, ALGRA members emphasized that their organization represented rural gays and lesbians, in order to counter the belief that rural voters would not support gay rights.

ALGRA documented and presented to the AHRC 15 cases of discrimination against gays and lesbians in Alberta in the areas of housing, employment and access to public services. Moreover, members argued that the instances of discrimination were actually much higher, but that few people were willing to come forward for assistance given the climate of danger and intolerance.

ALGRA members also explicitly addressed the public education system in Alberta, and the resolution passed by the Alberta School Trustees' Association (ASTA) requesting the province's permission to 'deal with' gay and lesbian teachers, students and staff *as they saw fit*. ALGRA called the ASTA resolution "reprehensible", and asked that the province move to ensure the physical safety, emotional well-being, and cultural support of gays and lesbians in the school system.[52]

ALGRA later submitted copies of its brief to all of the members of the Legislative Assembly, and established a letter-writing campaign to garner public support,[53] as GATE had done three years prior. However, the failure or success of the IRPA amendment was less dependent upon the activist's work, and more dependent upon the political will of both the Alberta Human Rights Commission and the provincial government. Before any further recommendations could be made by the AHRC, the term of the Chairman, Max Wyman, ended and the provincial government appointed in his place Bob Lundrigan, a lawyer and sitting member of the Commission. Unlike the previous Commissioner, Lundrigan's opposition to homosexuality was more in line with the opinion of the Minister responsible for the AHRC, Les Young. Young's views were made explicit in an *Edmonton Journal* news article:

> “Albertans who want to make their homosexuality obvious should be prepared to face discrimination”, Labour Minister Les Young said Friday. Mr. Young said…It's "not reasonable" to expect the Commission to be concerned about "crusaders" who challenge the rest of society by "flaunting their type of disposition to create publicity." Gay groups who want to "say what they are and have the public accept them" are just "baiting society and asking for trouble" [Young] said…Young [also] considers overt homosexual behaviour "obnoxious and aggressive", the equivalent of sexual harassment of other members of society.[54]

Similarly, Lundrigan's opposition to gay and lesbian legal protection was well-known[55], as he had publicly compared homosexuals to child molesters.[56]

The Alberta Human Rights Commission did not endorse the inclusion of sexual orientation into the IRPA when it made its recommendations to the provincial Conservative Caucus later that year. The influence of the Conservative Caucus on the AHRC highlighted a trend that would grow throughout the 1980s. As the AHRC began to challenge the authority of Conservative Caucus to decide which identities deserved state protection, in turn Caucus members began to tighten their control over the bureaucratic body. Thomas D'Arcy Finn argues that review bodies such as human rights commissions must assume a certain amount of independence from the governments that created them, if they are to be effective in carrying out their duties:

> Independence is not merely technical or legal, it is also behavioral. Most organizations established as separate entities with powers of review strive very hard to ensure that they are clearly recognized as being separate from government by publicizing their independent functions and roles...Perhaps the most important behavioral element, however, is the assertion that, while their judgements and opinions may not be legally binding, they cannot be overruled by government. At worst, they can be ignored.[57]

Thus, although the recommendations of the AHRC to include sexual orientation in the IRPA were at first ignored by the Conservative government, as the Commission's support for the amendment continued, the government began to exert its influence by appointing a Commissioner who did not support it. The Conservative government began a campaign to actively interfere in the activities and decisions of the AHRC, thereby also interfering with the protection of human rights of GLBT people. Similarly, as gay and lesbian activists emerged to claim their human rights in the public sphere, Conservative Caucus members blocked their efforts at every turn. In these actions, the government therefore attempted to create a cultural meaning frame that constructed the Conservative Caucus as the sole decision-making authority on human rights in the province, which rejected homosexuality as a valid basis for protection from discrimination. Therefore, despite the opening in political opportunities provided for by the public support of human rights in the province, and the support of the Alberta Human Rights Commission, other factors in the political opportunity structure – such as the creation of meaning frames around government power and homosexuality – prevented GLBT activists from achieving their goals at that time.

V Political Interference into the Work of the Alberta Human Rights Commission

In the 1980s, Alberta's political climate became one of re-trenchment. Larger factors, such as the downturn in the global economy, combined with the federal election of Brian Mulroney's Progressive Conservatives, created a political opportunity structure that was not friendly to progressive social change. Political scientist Sylvia Bashevkin argues that in the 1980s elected conservatives in Canada, the United

States and Britain irrevocably limited the role of government and shifted political debate to the right:

> Conservatives probably exerted their most sustained influence at the level of ideas, where they elevated an unrelenting anticollective ethos…[A]fter 1979, new right-of-centre leaders worked to discredit their political critics and public protest in general, while they shielded friendly groups from the same line of attack…over time, right-of centre ideas that glorified the achieving individual and denigrated collective action (except by business groups) became core elements of mainstream political debate in Britain, the United States and Canada.[58]

In Alberta, the conservative political agenda was also strengthened by the emergence of a right-wing Christian backlash against the perceived excesses of the 1970s. Barry Breau, a gay activist and former member of Dignity Edmonton (a Catholic gay organization), argues that while gays and lesbians in Alberta in the 1970s were tolerated by Christian organizations, by the 1980s attitudes had hardened and gays and lesbians were actively rejected.[59]

The impact of the backlash in provincial politics was brought into stark view with the ruling Conservative party's political interference with the Alberta Human Rights Commission in the 1980s concerning the issue of sexual orientation. While other provinces slowly began to change their human rights codes to include gays and lesbians, the majority of the members of the Conservative caucus remained solidly opposed to any such recognition and change, and worked actively to oppose the possibility of such a change.

Beginning in 1980 the Conservative government took a number of steps to disempower the Alberta Human Rights Commission and transfer its powers to the provincial Cabinet. First, in 1980, the legislature voted to remove the ability of Human Rights Commissioners and staff members to launch complaints on behalf of citizens, and instead gave powers to the provincial Cabinet to exempt persons or groups from the anti-discrimination provisions of the *Act*. Moreover, legislators also introduced a provision that allowed Cabinet to decide the operating procedures for the Commission.[60] In response, Dr. Dorothy Richardson, the Assistant Executive Director of the AHRC, Mary-Lou Creechan, the Public Education Coordinator, and staff member Julie Ann Legras all resigned their positions from the AHRC within three months of the legislative changes, each citing political interference into their work at the Commission.[61] Creechan argued that AHRC employees were being required to tow the Conservative party line on human rights issues in the province:

> "About a year ago commission employees, who are considered government employees, were told that Alberta's human rights laws were receiving too much bad publicity. The employees were ordered to say only positive things about the government and its human rights laws."[62]

By 1981 Commissioner Jim Edwards and four other staff members resigned, including the Director Rulon Meldron, after the results of an independent evaluation of the office was leaked, indicating that the relationship between the Director and AHRC staff members had broken down completely.[63] The continuing unrest with the Commission and the political interference of the Conservative Cabinet elicited protests by organizations representing women, persons with disabilities and gays and lesbians, and led Alberta's Ombudsman to call for the Commission's independence from any department's purview.[64]

The conflict that occurred between the ideologies of bureaucrats at the AHRC and those of the Conservative Caucus has also been mirrored in other provinces. In Ontario, for example, the provincial Ombudsman under the Conservative government in 2000 reported that senior government bureaucrats were reluctant to make decisions or fix problems in their departments for fear of losing their jobs if they opposed their political masters.[65] In the 1980s in Alberta, however, the ideological conflict led to a complete breakdown of staff at the AHRC.

The political interference into the workings of the AHRC stemmed from the struggle between the elected members of the Conservative Caucus who attempted to limit the powers of the Commission, and the AHRC's civil service staff, most of whom had experience in the area of human rights and who perceived the role of the AHRC as a watchdog of government activities. This struggle was in essence a struggle of ideology over the meaning of and practice of 'state authority' in deciding issues of human rights. This struggle later intensified with the third attempt by the AHRC to recommend that sexual orientation be included in the IRPA.

Round Three: Gay and Lesbian Awareness and the Emergence of Broad-Based Support in 1984-85

The third full scale attempt by GLBT activists to have sexual orientation included into the IRPA occurred in the years 1984-1985. Members of ALGRA, representing by that time the Gay Alliance Toward Equality (GATE) in Edmonton, Gay Information and Resources Calgary, the Gay Political Action Committee (Calgary), the Privacy Defence Committee of Edmonton and the Gay Association of Red Deer, had made presentations to the Minister of Labour, Les Young, and the Alberta Human Rights Commission in 1980, 1981 and 1982 but no move to include sexual orientation had been forthcoming. The AHRC, under the Chair of Bob Lundrigan until 1981, had refused to do so, arguing that the previous attempt to suggest inclusion of sexual orientation had resulted in the refusal of the government to consider *any* amendments to the *Act.*[66] At the time, GATE's Civil Rights Director, Doug Whitfield, lamented the fact that "The situation in Alberta in which even the Human Rights Commission doesn't support us, seems to be unique in Canada."[67]

Despite the shift in focus for many toward cultural activities, a handful of activists from ALGRA continued throughout 1980-1984 to lobby both the Minister of Labour and the AHRC to include sexual orientation in the provincial human rights code. As a result of these efforts, the AHRC began receiving, documenting and investigating human rights complaints from gays and lesbians who had been discriminated against in employment.[68]

Shortly thereafter, the AHRC announced in July, 1984 that it would recommend to the government, alongside twenty-one other recommendations, that discrimination in employment and housing due to sexual orientation be prohibited.[69] Marlene Antonio, the AHRC Chairman, was firmly in favour of amending the IRPA to include employment protections for persons 'outed' in the workplace:

> "This business of identification has been a major problem, that's why the commission made the recommendation" that homosexuals be protected in employment, said Antonio. "It was our first recommendation, we felt it was so important".[70]

After the AHRC announcement, members of GALA voted to create a civil rights committee that would operate alongside its regular social functions to lobby for the acceptance of the amendment.[71] Members of GALA's civil rights committee met with Les Young, the Minister of Labour in December, 1984 and then met for the first time with the Conservative Caucus Health and Social Services Committee in January, 1985. Gay and lesbian representatives from Calgary, Drumheller, Red Deer and Medicine Hat also participated.[72] That year, support for the amendment came from the *Edmonton Journal*, the *Calgary Herald*, community groups, churches, labour organizations and numerous legal professionals.[73] GALA representatives also organized intense letter writing campaigns to demonstrate the broad-based support for the changes to the IRPA.

Despite the wide support for the amendments, however, in 1985 the Caucus Health and Social Services Committee refused to endorse the inclusion of sexual orientation as a prohibited ground of discrimination. Surprisingly, the Committee supported the Commission's belief that sexual orientation should not be grounds for dismissal from employment or eviction from tenancy; nevertheless, it was the Committee's opinion that such issues should remain private:

> We strongly believe that sexual orientation and sexual practice, since they are not visible characteristics, are private matters and need not be communicated to anyone, subject to the wish of the person. In this respect, it is felt that an amendment to the Individual's Rights Protection Act should not be needed to achieve your objective of allowing people to live without the fear of discovery of their personal lives...We believe the Individual's Rights Protection Act should protect those rights common to us all as well as those visible characteristics over which an individual has no direct control that may cause discrimination and intolerance.[74]

GALA representatives identified that the overwhelming influence of the opinion of Labour Minister Les Young on the Caucus Committee prohibited the passing of the recommendation at that time.[75]

The categorization of homosexuality as a purely 'private' matter was an attempt by right wing members of the Conservative Caucus to regulate homosexual behaviour and to prohibit it from gaining access to the public sphere. Defining homosexuality as a 'choice' allowed legislators to deny legal rights to gays and lesbians, without appearing to overtly discriminate against them. Any request on behalf of gay and lesbian activists for legal protection, therefore, was re-framed by Conservative MLAs as constituting 'special rights' which were cast outside of the sphere of 'normal' citizenship rights. The right-wing backlash against homosexuality significantly decreased the political opportunities open to gay and lesbian activists and others in Alberta, at that time:

> The rise of the right wing in the early 1980s was a clear response to the economic anxiety of the middle class, the impact of feminism and black civil rights upon the U.S. political scene, and the increased visibility of gay people and gay culture…In the right wing's thinking, homosexuality has become a major, if not the major symbolic threat to traditional sexual morality and social structure, as embodied in "family" an heterosexuality…[requests for] "special rights", viewed as illegitimate and inauthentic, are portrayed as a threat to the social structure and moral standing of the majority.[76]

According to Michael Bronski above, the rise of the right wing in North America in the early 1980s was a response to the demands by gay and lesbian activists, and others, for inclusion and legal rights.

In Alberta, after the refusal of the Caucus Committee to endorse the recommendations in December 1985, Marlene Antonio was replaced as Chairman by Stanley Scudder, an Edmonton Insurance agent, representing another move by the Conservative Caucus to limit the scope of the Commission .[77] Scudder indicated upon appointment that he would not take "an activist approach in championing rights" as Antonio had done, saying that he would instead be cautious.[78] Although GALA's Civil Rights Committee continued to lobby the AHRC for a number of years following the 1985 Caucus refusal to amend the IRPA, the Commission under Scudder refused to endorse any further amendments, arguing:

> …The Commission has no new and compelling material to place before the government. The Commission has twice recommended inclusion of sexual orientation to no avail. As you noted, there does

> not appear to have been a change in attitudes which would make a further effort at this time any more fruitful. We will continue to monitor the situation, but renew our advise that it is incumbent upon the gay community to mount an effective lobby.[79]

The lack of success after round three of lobbying the AHRC and the Alberta government to include sexual orientation into the IRPA left members of GALA's Civil Rights Committee feeling extremely frustrated and stonewalled.[80]

Round Four: Political Opportunities in the Office of the Minister

Another opportunity to gain human rights protections for gays and lesbians in Alberta would not be forthcoming until 1989. That year, the MLA for Calgary West, Elaine McCoy, became the new Minister of Labor following the March provincial election. One of McCoy's first moves as Labour Minister was to announce that she would be taking a proposal to the full Conservative Caucus recommending including sexual orientation in the IRPA. By 1989, only Ontario, Quebec, Manitoba and the Yukon included provincial protection for gays and lesbians in their provincial human rights codes.[81] McCoy's announcement marked the first time that a provincial Cabinet Minister acknowledged that gays and lesbians deserved protection from discrimination. An editorial in the *Calgary Herald* written in support of McCoy's actions noted that "this glaring loophole in otherwise reasonably sound human rights legislation has opened the door for bigots, gay-bashers and fearful people in power positions to bar, ban and berate homosexuals with impunity."[82] McCoy argued that she was promoting the changes to the IRPA to protect individuals from discrimination in housing, employment and public services, as a result of the discrimination that was being perpetrated against gays and lesbians:

> "I have people coming up to me who tell me they're living in fear. Some of them live in fear of losing their jobs, some because of their fear of losing their homes. On the women's side, some even are afraid of losing their children. And when I hear that that is just because of their sexual orientation…then I get concerned. And concerned is what I must be."

McCoy's support for the amendment demonstrates one of the factors that Sidney Tarrow argues is necessary for creating successful political opportunities for social movement actors:

> …[A]n aspect of opportunity structure is the presence or absence of influential allies…Challengers are encouraged to take collective action when they have allies who can act as friends in court, as guarantors against repression or as acceptable negotiators…That success hinges on having 'friends in court' does not prove that people mobilize because they have such friends; but it does suggest that links between challengers and members of the polity can produce a greater chance of success for outsiders.[83]

While McCoy indicated that she had support in her caucus for such an amendment, some rural Conservative MLAs, such as Jack Ady (Cardson), Stockwell Day (Red Deer North), and Ty Lund (Rocky Mountain House) opposed the change to the legislation.[84] Similarly, Agriculture Minister Ernie Isley argued against amending the IRPA:

> "I can't think of any reason we would want to develop legislation to cover what is a behavioural activity"…"Sexual orientation you choose", he said. If it's not a choice then what you're talking about is a …I don't want to use the word disease, what you're talking about is something that is different in the makeup of that person," Isley

> explained, adding that it "should then maybe be attacked as a problem as opposed to a recognized way of life. Gays shouldn't have special legal rights, they should have the same legal rights as you and I."[85]

Members of GALA's Civil Rights Committee again began lobbying Members of the Legislative Assembly to support the amendment. As support had already been secured with both Liberal and New Democrat MLAs[86], GALA focused its efforts on Members of the Conservative Caucus. GALA members Maureen Irwin and Tom Edge met with individual MLAs to canvas their opinions of the proposed changes. A number of elected officials indicated support for the change, but "were concerned whether their constituents would vote for them again if they were to support the amendments."[87] In order to allay the concerns of the MLAs, GALA conducted research into the effects of electoral success on Canadian provincial legislatures that had amended their human rights codes to include sexual orientation. They found that there was no correlation between how an individual elected official voted on the inclusion of sexual orientation and whether they were re-elected or not.[88] Neither GALA's efforts nor Labour Minister McCoy's support was sufficient to garner the necessary support from the Conservative Caucus, however, and McCoy's proposal was voted down in Caucus.

The fourth round of lobbying for inclusion of sexual orientation into the IRPA demonstrates the first time that gay and lesbian activists had an influential ally within the Conservative Cabinet that supported state protection of gay and lesbian identities. The support of Minister McCoy was not sufficient, however, to secure anti-discrimination protection. This round of lobbying uncovered the intense fear that elected officials had concerning their own re-election opportunities if they supported the protection of gays and lesbians. As a result, protection for gays and lesbians became an issue of the will of the majority, rather than the protection of a minority.

Frederick Englemann also argues that in the 1980s the Caucus Committees under the Conservative government had enormous strength to make policy decisions. As a result, however, these Committees rendered opposition members ineffectual in their ability to impact policy decisions:

> The committee structure shows the…legislature at its partisan worst, because there also are, under the dome of the Assembly, policy committees. These committees, however, are not committees of the Assembly, but committees of the Progressive Conservative caucus, meeting in secret, and without record...It is clear that, underlying the caucus committee function, is the notion that any involvement with policy is the clear prerogative of a member of the government caucus.[89]

Thus, while although gay and lesbian activists had support for inclusion of sexual orientation into the IRPA from both the Liberal and New Democrat parties by 1985, the structure of the committee system in the legislature impeded the political opportunity structure in achieving their policy goals.

VI Parliamentary vs. Judicial Supremacy: Delwin Vriend and the IRPA Charter Challenge, 1990-1998

As the previous sections demonstrate, GLBT social movement activists used political means to try and achieve their public policy goals – changes to the IRPA – throughout the 1970s and 1980s. They lobbied politicians, wrote letters, met with committees, and used every available political avenue. While over the years their efforts often led to an increasing number of political decision-makers listening to them and taking them seriously, nevertheless, no policy change was forthcoming. By the early 1990s, the political opportunity structure was restricted to the point that few, if any, avenues for change remained. As a result, when Delwin Vriend was fired from his job in 1991, he had few options to challenge the decision. The firing of Delwin Vriend signaled a major turning point in the GLBT social movement in Alberta, as activists went from focusing solely on political mobilization to a significantly different approach – court challenges. In turn, the Government of Alberta attempted to mobilize support against the GLBT court challenges by constructing a cultural meaning frame around 'judicial' vs. 'parliamentary' supremacy to decide matters of GLBT equality and citizenship. The next section explores how these changes in the direction of the social movement in Alberta occurred, and how they impacted the success of achieving their citizenship goals.

‘Flaunting It’ at King’s College

In January, 1991, Delwin Vriend, a chemistry lab instructor at King's College (a private Christian liberal arts college affiliated with the University of Alberta) was fired from his job when his homosexuality became public knowledge outside of the college. Vriend had worked at the College for three years prior to being fired, during which time College officials had become aware of his sexual orientation. Nevertheless, the College had only asked Vriend to keep his homosexuality quiet, and did not take action to fire Vriend until he was outed in an *Edmonton Journal* newspaper article sometime later.[90] Vriend's father had been quoted in the news article while attending a conference organized by GALA activists, entitled “Flaunting It” in December, 1990. At the conference, activists and allies had gathered from across the province to discuss ways of achieving human rights and social change for GLBT people in Alberta. [91] After Vriend was publicly identified as a homosexual in the article, the College's President fired him, stating that "the College doesn't have a problem with sexual orientation per se, only with practicing homosexuals".[92] More particularly, however, it became apparent that Vriend's homosexuality was not an issue if he kept it contained to the private sphere; however, once he had announced it in the public sphere, the College would no longer tolerate it.

After losing an appeal of the decision to fire him with the College's Board of Governors, Vriend approached the Alberta Human Rights Commission to investigate his dismissal. While most of the AHRC

Commissioners disagreed with the firing, they nevertheless refused to take on his case because they could not reach consensus on the issue, given that the IRPA did not cover sexual orientation at the time. The AHRC's refusal to investigate Vriend's case prompted protests at the provincial legislature by GALA and its allies.[93] Vriend was also denied federal assistance for his case, for when he approached Max Yalden, the Chair of the Canadian Human Rights Commission for aid, Yalden refused to get involved in the "affairs of other commissions". The total lack of bureaucratic and political support left no available political opportunities to address Delwin Vriend's case. As a result, he turned to the legal system, and the legal opportunities provided by the *Canadian Charter of Rights and Freedoms.*

In February 1992, Vriend filed legal action against the province and King's College, arguing that the provincial *Individual's Rights Protection Act* contradicted Section 15 of the *Canadian Charter of Rights and Freedoms.* Shortly after Vriend launched his legal challenge, Fil Fraser, the AHRC Chairman, announced that the Commission had established a phone-in line to take complaints from gays and lesbians that had been discriminated against at work; a move that was not stopped by the Minister responsible, Elaine McCoy.[94] However, other Conservative Caucus members did oppose Fraser's decision, and when his term expired shortly thereafter, the position of AHRC Chair was not filled for another six months.[95]

When Rafath Sayeed was finally appointed as acting Chair of the AHRC at the end of 1992, he immediately announced that the Commission again would begin to investigate complaints launched by gays and lesbians, regardless of the fact that the IRPA did not specify inclusion of sexual orientation.[96] Sayeed stated publicly that the Commission would not wait for the government to change the law, arguing instead:

> "We have not done this in any way to take on the government. We have done this because we think it's the right thing to do. And everybody else is doing it."[97]

Sayeed argued that recent court rulings across Canada, including an Ontario Court decision to read in sexual orientation into the *Canadian Charter of Rights and Freedoms*, had established protection for gays and lesbians and provided a precedent for the AHRC to 'read in' sexual orientation into the IRPA at the provincial level. Sayeed's defiant action to read in sexual orientation into the IRPA, however, re-ignited the simmering conflict with the Conservative Caucus over the concept of legislative supremacy and the question of which body had the authority to extend state protection to minorities.

In January 1993, Dianne Mirosh was appointed the Community Development Minister, the new portfolio responsible for the AHRC. She moved quickly to stop the Commission from taking complaints from gays and lesbians, and she argued that "gays and lesbians are having more rights than anybody else" (mistakenly believing that gays and lesbians were already covered by the IRPA).[98] Mirosh referred the issue to the provincial Justice Department for investigation, and requested a legal opinion on whether the AHRC had the authority to extend protection on any matter without a change in legislation.[99] In turn, the AHRC indicated that they were not proceeding with any further investigations.[100]

The independent actions of the AHRC around the investigation of sexual orientation complaints raised the ire of members of the Conservative caucus and subsequently inspired Premier Ralph Klein to establish a legislative review of human rights legislation and the future of the AHRC in 1993. Nevertheless, after the government-appointed, five-member panel heard submissions from over 1700 groups and individuals in Alberta, it recommended strengthening the *Act* and the Commission, rather than weakening or abolishing it, as some Conservative Caucus members had hoped.[101] Moreover, the extra-parliamentary body also suggested including sexual orientation into the IRPA as well.

In Calgary, activists from the Calgary Lesbian and Gay Political Action Guild worked with the Dignity Foundation and numerous other community organizations to lobby for the implementation of the Review Panel's recommendations. The Dignity Foundation was headed up by Ron Ghitter, the former Conservative Cabinet Minister who had introduced the *Individual's Rights Protection Act* into the provincial legislature in 1972, and who opposed the Klein government's interference into the workings of the AHRC.[102] Many activists feared that the government would abolish the Commission, after musings to do so by provincial Cabinet Ministers.[103]

In 1996 the provincial government introduced *An Act to Amend the Individual's Rights Protection Act*, which did not implement the major changes recommended by the Review Panel, but instead implemented only minor changes, such as re-naming the IRPA as the *Alberta Human Rights, Citizenship and Multiculturalism Act.* In response, CLAGPAG, the Dignity Foundation and over 100 other community groups mainly based in Calgary founded the Coalition on Human Rights in Alberta. The Coalition lobbied the government to include the Review Panel's recommendations for increased independence and accountability for the AHRC, as well as extending the prohibited grounds for discrimination, to include sexual orientation, in their proposed legislation.[104] The government instead only changed the AHRC's mandate slightly, amending the *Act* to include 'source of income' as a prohibited ground, and extending the amount of time to file a complaint from 6 months to one year. The government again rejected inclusion of sexual orientation.[105]

A Shift in Legal Opportunities: The Rise of the Role of the Courts

In April 1994, Court of Queen's Bench Justice Anne Russell ruled in Delwin Vriend's favour, arguing that the IRPA contravened the *Canadian Charter of Rights and Freedoms*, and gave the province 30 days to appeal the decision before sexual orientation would be read in.[106] In her decision, Justice Russell argued that "the decision to deny homosexuals recognition under the legislation is to reinforce negative stereotyping and prejudice" and stated that discrimination against homosexuals was a notorious social reality.[107] Her decision disputed the province's claims that discrimination against lesbians and gays did not exist in the province of Alberta. The Court's decision also signified a judicial challenge to the meaning frame constructed by the provincial government that it alone was responsible for deciding which citizen identities deserved state protection from discrimination. As a result, from that point onward, the role of the Alberta Human Rights Commission in relation to the question of 'who decides' diminished, and the struggle continued between the elected officials of the Conservative Caucus and the courts - with GLBT activists and their allies shifting their focus to the courts.

The Conservative Caucus' response to Justice Russell's decision was mixed. Approximately one-third of the Caucus actively supported appealing the decision, many of whom denounced the ruling as giving "special rights" to gays and lesbians.[108] The province nevertheless appealed the decision, after having Justice Russell's decision stayed in June, 1994. As a result of the stay of her decision, the AHRC was able to accept complaints and educate the public on issues concerning sexual orientation, but it could not investigate nor resolve any complaints until after an appeal of Justice Russell's decision.[109]

In announcing the decision to appeal Justice Russell's verdict, Justice Minister Ken Rosted reinforced the provincial government's construction of the meaning frame around legislative authority:

> "The government will be fighting for control over its own legislation when it appeals a ground-breaking court ruling that protects gays from discrimination. If an Act is no good, (a judge) should strike it down and leave the legislature to determine what should be in it."[110]

The provincial government framed its opposition to Justice Russell's decision using the political argument that it was undemocratic for courts to make such decisions under the *Charter of Rights and Freedoms*. According to such reasoning, having the judiciary make such decisions contravened "the ordinary mechanisms of democratic accountability" because judges are not elected, and therefore not accountable to the people.[111] Bruce Hicks further explains this argument:

> One of the central themes to this debate is the claim that there has been a power shift from Parliament to the judiciary. It has been suggested that this is the paradox of liberal constitutionalism in Canada, placing a Constitution over Parliament and then giving primary responsibility for interpreting that document to only one of the institutions in which power resides. Judicial review of legislation then inevitably causes this migration of power since it allows one of the institutions to…gain supremacy over the other political institution(s)…[112]

Thus, the province continued to promote a specific meaning frame of 'legislative control' to oppose judicial interpretation of the *Canadian Charter of Rights and Freedoms*, and argued this position in front of the Alberta Court of Appeal. As a result, in February, 1996, the Court overturned the lower court's decision in favour of Vriend, by a margin of two to one. Writing for the majority, Justice John McClung passionately supported the meaning frame created by the Government of Alberta, and criticized what he found to be judicial activism on the part of Justice Russell, instead reinforcing the legislators' right to govern. Justice McClung argued primarily that the IRPA did not discriminate against gays and lesbians because it was essentially silent on the issue of sexuality (heterosexual and homosexual), and second, that the provincial legislature had also purposely remained silent on whether the state should provide protection on the basis of sexual orientation. Moreover, he argued that the Courts had no business 'reading in' protection for sexual orientation:

> Rightly or wrongly, the electors of the Province of Alberta, speaking through their parliamentary representatives, have declared that homosexuality (I assume that the term "sexual orientation" defends nothing more) is not to be included in the protected categories of the IRPA. By reading-up, Russell J., unquestionably in good conscience, tried to repair what was to her an ailing IRPA because she found that it fell short of s. 15(1) of the *Charter*. But in doing so she overrode the expressed and sovereign will of the Alberta Legislature, where it had passed on a matter within its competence under the *Constitution Act* of Canada.[113]

Justice McCLung's view, therefore, re-inforced the provincial government's cultural meaning frame that the real issue was not about sexuality – homosexuality or otherwise – but rather about legislative vs. judicial supremacy. In doing so, McCLung attempted to resist the construction of homosexuality as a public sphere issue, and instead focused on the procedural issue of 'who decides' public policy issues. In this view, any attempt to 'read in' sexual orientation into the IRPA amounted to judicial interference.

GALA activists attempted further lobbying efforts to have the government to amend the *Act*, despite the Alberta Court of Appeal decision. Their efforts were designed at focusing the debate back on the merits of protecting gays and lesbians from discrimination, and challenging the meaning frame of the issue as that of legislative vs. judicial supremacy. The provincial government continued to refuse to amend the *Act,* and as a result, Delwin Vriend appealed the Alberta Court of Appeal ruling to the Supreme Court of Canada. [114]

After arguing their case before the Supreme Court of Canada, on April 2, 1998, the Court ruled that the provincial human rights code in Alberta must include sexual orientation as a prohibited ground for discrimination. The judges dismissed the arguments and the meaning frame constructed by the Province of Alberta, stating that omitting sexual orientation from the *Act* did in fact result in discrimination against gays and lesbians:

> The exclusion of the ground of sexual orientation, considered in the context of the social reality of discrimination against gays and lesbians, clearly has a disproportionate impact on them as opposed to heterosexuals. The IRPA in its underinclusive state therefore denies substantive equality to the former group.[115]

Second, the Court refuted the claim that any decision in favour of Vriend would result in judicial law-making:

> It is suggested that this appeal represents a contest of the democratically elected legislatures to pass the laws they see fit, and the power of the courts to disallow those laws, or to dictate that certain matters be included in those laws. To put the issue this way is misleading and erroneous. Quite simply it is not the courts which limit the legislatures. Rather, it is the Constitution, which must be

> interpreted by the courts, that limits the legislatures. This is necessarily true of all constitutional democracies. Citizens must have the right to challenge laws which they consider to be beyond the powers of the legislatures.[116]

The Supreme Court of Canada, therefore, again reframed the issue at hand. It affirmed that the debate was in fact about state protection of gays and lesbians from discrimination, and it rejected the meaning frame constructed by the Government of Alberta concerning legislative vs. judicial supremacy. Instead, the Supreme Court of Canada argued that the Constitution was the final arbiter in deciding which identities the state must protect from discrimination. In doing so, the Court re-framed the debate yet again to focus on the Constitution as decision-maker, rather than a legal or political institution. The Court's decision in this matter demonstrates what Bruce Hicks calls a movement toward a "Canadian Constitutional democracy":

> In a constitutional democracy, the supremacy of the constitution requires that a judiciary exist to act as an intermediary between the people and the legislature. Not only does this mean that the interpretation of the laws is the proper and peculiar province of the courts, but that it belongs to the court to ascertain the constitution's meaning as well as the meaning of any particular act proceeding from the legislative body. To permit the legislature to interpret the constitution would permit legislatures to substitute their will for that of the people, and since legislators have the power to enact laws this would lead inevitably to the tyranny of elected assemblies.

In this manner, the Supreme Court maintained that while the role of the legislatures was to enact laws, it was the responsibility of the courts to interpret their meanings.

VII Epilogue: Celebration and Fences, Post-Vriend

Gays and lesbians across Alberta initially celebrated the Supreme Court decision in Alberta, relieved that the long-fought battle for anti-discrimination protection was won. Julie Lloyd, a lawyer who worked on Delwin Vriend's case, attended a celebratory rally at the Alberta provincial legislature shortly after the decision was announced. She outlined how her identity as an Albertan had shifted as a result of the momentous decision:

> "When it first hit me was when I was leaving the rally at the legislature on Thursday. I got to the end of the reflecting pool and I turned around and looked back at the building, and suddenly it looked different to me. It was a place, all of a sudden, that I was a part of, that didn't require me to pretend to be someone I wasn't. When I woke up this morning, I thought 'This is a different place'. Now who I am is just fine. Who I am is not license to treat me in a way that is different from anybody else. It's really quite a remarkable feeling." [117]

Nevertheless, the aftermath of the decision soon became devastating for many gays and lesbians in the province.[118] The inclusion of sexual orientation into the *Act* engendered a vitriolic backlash from a vocal minority of the population in Alberta. Elected officials at the provincial and municipal level, including the Premier, received threatening phone calls and letters, described by Edmonton city councillor Michael Phair as "vicious, hateful and disgusting". [119] Provincial ministers did little to quell the backlash, however, refusing to do anything that would keep Albertans from "debating the issue". [120] That the province did not initially embrace the Court decision, however, provided the space for the expression of private citizens' hatred and homophobia.

Shortly before the Supreme Court decision was released, Premier Ralph Klein had established a four member Ministerial Committee to explore the province's legal options in case the Supreme Court ruled in Vriend's favour. Committee members included Treasurer Stockwell Day, Justice Minister Jon Havelock, Community Development Ministe Shirley McClellan and Federal and Intergovernmental Affairs Minister David Hancock.[121] The primary responsibility of the Committee was to evaluate whether the province should invoke s.33 of the Charter – the notwithstanding clause - in order to shield provincial legislation from the effects of the Supreme Court decision.

Despite being sharply divided on the issue, the Caucus voted not to invoke the notwithstanding clause; however, it did decide to build "fences" around other pieces of legislation in order to prevent other aspects of Albertans' private lives from being affected by the decision:

> Premier Ralph Klein reiterated that the Supreme Court decision, which was formally accepted Thursday by the government, compels the province only to protect homosexuals from discrimination in employment, accommodation and other public services. But he said the committee will look at erecting 'legislative fences' around other provincial laws that could be affected by a similar court ruling. The Justice Department has compiled a list of 63 statutes that contain references to spouses.[122]

In the wake of the decision to create a "Fences Committee", Edmonton activists formed Equal=Alberta in order to influence the discourse of surrounding gay and lesbian rights in the province, and to educate the GLBT community about their newly established rights.[123] The previous lobbying organization, GALA, had wound down when the legal proceedings under Vriend became the primary focus of activity for gays and lesbians in the province, as noted by activist Liz Massiah:

> In the long run, several of us who were involved in GALA were getting pretty burnt out - I know I was. I had said 'I don't want to be a public spokesperson anymore. I'm running out of things to say to these idiot Tories anymore!' There was sort of a lull there...GALA was really involved [in Vriend] but then it really became a legal matter, and our job became fundraising for it...Because it became very clear that there was no point in going and beating on these Tories...and so the focus shifted to the federal level, and the court case...[so] GALA just sort of petered away and then evolved into something different.[124]

Similarly, CLAGPAG in Calgary also demobilized after the success of Vriend's court case.[125] In Edmonton, however, GALA eventually evolved into Equal=Alberta, organized by newer members of GALA. Lawyer Julie Lloyd and activists Roz Ostendorf and Murray Billett, among others, quickly became publicly associated with the new organization. According to Julie Lloyd, Equal=Alberta's main focus was to address the outpouring of homophobia that was voiced post-Vriend, in order to change the public discourse into a discussion about oppression and rights for gays and lesbians, rather than a debate about morality and the moral worth of gays and lesbians, as had been perpetuated by the Christian right.[126] The choice of the name Equal=Alberta also reflected the desire of activists to stress to Albertans that the Vriend decision represented equal rights, not special rights for gays and lesbians in the province.[127]

Members of Equal=Alberta met with the "Fences Committee" in the fall of 1998 and argued against the future use of the notwithstanding clause.[128] Although little public consultation took place on the issue, the

Conservative Caucus announced in the spring of 1999 that it would limit the use of the notwithstanding clause only to the issue of marriage, but did not preclude the possibility of introducing domestic registered partnerships for gays and lesbians.[129] Equal=Alberta wound down its lobbying efforts shortly after the Caucus' announcement, when it became clear that much of the work to achieve spousal benefits would be accomplished through the courts.

VIII Conclusion

Gay and lesbian activists and their allies lobbied continuously for over twenty years to achieve state protection from the discrimination that they experienced as a result of their sexual orientation. Activists from all walks of Alberta lobbied and educated the Alberta Human Rights Commission, Members of the Legislative Assembly, the public, civil society organizations and finally the courts to give them such protections.

In the 1970s, legislative hearings provided a significant opening in the political opportunity structure for GLBT activists to try and influence public policy. GLBT activists consistently appeared before legislative committees and Conservative Caucus Committee meetings in order to exercise their political citizenship, using personal storytelling as a prominent tool to identify the impacts of discrimination in their public lives. Their lobbying efforts gathered strength and allies, including the Alberta Human Rights Commission at various points in the three decades, again positively contributing to the political opportunity structure. In doing so, the political organizing of GLBT people for anti-discrimination protection became, in and of itself, activities of citizenship. Nevertheless, despite these political opportunities, GLBT activists did not succeed in achieving their citizenship goals through legislative methods.

Other factors in the political opportunity structure – such as government opposition and interference - prevented GLBT activists from achieving their goals at that time. The Conservative government began a campaign to actively interfere in the activities and decisions of the AHRC, thereby also interfering with the protection of human rights of GLBT people. Similarly, as gay and lesbian activists emerged to claim their human rights in the public sphere, Conservative Caucus members consistently refused to acknowledge their human rights as a public policy issue. In doing so, the government attempted to create a cultural meaning frame that constructed the Conservative Caucus as the sole decision-making authority on human rights in the province, which rejected homosexuality as a valid basis for protection from discrimination. Therefore, despite the opening in political opportunities provided for by the public support of human rights in the province, and the support of the Alberta Human Rights Commission, other factors in the political opportunity structure – such as the creation of meaning frames around government power and homosexuality – prevented GLBT activists from achieving their goals at that time.

In the 1990s, and after many years of non-cooperation from provincial politicians, GLBT activists shifted their focus away from the legislature to the Courts with the case of Delwin Vriend. As a result, the conflict diminished between the Alberta Human Rights Commission and the Conservative Caucus with respect to the meaning frame over 'who decides' which citizen identities deserved state protection from discrimination. Instead, the conflict over these meaning frames emerged between the courts and the provincial government, culminating in the Supreme Court reading-in sexual orientation into the *Individual's Rights Protection Act.* In doing so, the Court rejected the province's construction of itself as the sole arbitor of human rights, and instead reaffirmed the supremacy of the Canadian Constitution as having the final word.

In the end, the provincial government did not exercise their full authority vested in section 33 of the Constitution - the notwithstanding clause - to limit the decision taken by the Supreme Court of Canada. As a result, in 1998 gay and lesbian Albertans achieved their long sought after goal of protection from discrimination for their sexual identities.

Notes to Chapter Five

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[1] Ben Berg (1982). Presentation to the Alberta Human Rights Commission by Gay Information and Resources Calgary, April 7.

[2] Richardson, Diane (1998). "Sexuality and Citizenship", *Sociology,* Vol. 32, No. 1, p. 89.

[3] Ibid.

[4] See Howard Palmer, *Alberta: A New History* (1990) for a full discussion of the role of Christianity in the Social Credit Party and the ties between Aberhart and Manning.

[5] Keith Archer, (1992) "Voting Behaviour and Political Dominance" in Alan Tupper and Roger Gibbons (eds) *Government and Politics in Alberta.* Edmonton: University of Alberta Press.

[6] (S.A. 1946, c-11).

[7] For a detailed analysis of the economic policies and the 1938 Reference Re: Alberta Statutes, see Watkins (undated) *The Golden Province: A Political History of Alberta*, Calgary: Sandstone Publishing; MacPherson (1953) *Democracy in Alberta*, Toronto: University of Toronto Press.

[8] (S.A. 1966, c.39) The Social Credit party also introduced *an Act for the Recognition and Protection of Human Rights and Fundamental Freedoms Within the Province of Alberta* in 1962, with much more sweeping human rights protections. The act did not pass.

[9] "A Partial Chronology of the Edmonton Gay/Lesbian History", by Maureen Irwin, unpublished and undated, p.2.

[10] Keith Archer (1992), p.119.

[11] James MacGregor (1972). *A History of Alberta*. Edmonton: Hurtig Publishers, p. 308.

[12] Howard Palmer and Tamara Palmer (1990). *Alberta, A New History*. Edmonton: Hurtig, p. 318.

[13] Ibid.

[14] "A Partial Chronology of the Edmonton Gay/Lesbian History", by Maureen Irwin, unpublished and undated, p. 2.

[15] McLeod, Donald (1996) *Lesbian and Gay Liberation in Canada: A Selected Annotated Chronology, 1964-1975*. Toronto: ECW Press/Homewood Books, p. 115.

[16] Ibid; Interview with Stephen Lock, May 16, 2002.

[17] Interview with Stephen Lock, May 16, 2002.

[18] Donald McLeod (1996). *Lesbian and Gay Liberation in Canada: A Selected Annotated Chronology, 1964-1975*. Toronto: ECW Press/Homewood Books, p. 220.

[19] GATE Minutes, April 5, 1973. The first available written notes of GATE begin August 17, 1972. The first formal executive members of GATE are listed as: Chairperson: Peter Hall; Secretary: Ken King; Treasurer: Jack Hurt; Directors: Tony and Manus Sasonkin; Regional Coordinator: Michael Roberts (GATE Minutes, August 17, 1972).

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[20] National cooperation also facilitated the early development of program delivery for gays and lesbians by GATE and GIRC. One of GATE's first educational efforts was to establish a prevention campaign on venereal disease, modelled after the work of GAY, the first homosexual anglophone organization in Montreal. Their work was also quite influenced by the local and national efforts undertaken by Toronto Gay Action as well as Gays of Ottawa, formed in 1972.

[21] Diane Richardson (1998). "Sexuality and Citizenship", *Sociology,* Vol. 32, No. 1, p. 88.

[22] For example, see David Rayside (1998) *On the Fringe: Gays and Lesbians in Politics*. New York: Cornell University Press.

[23] Ken Plummer (1995). *Telling Sexual Stories: Power, Change and Social Worlds*. London and New York: Routledge Press, p.151.

[24] Larry Pratt (1984) "The Political Economy of Province-Building: Alberta's Development Strategy", 1971-1981, in David Leadbeater (ed) *Essays on the Political Economy of Alberta*. Toronto: New Hogtown Press, p. 203.

[25] In the summer of 1972 members of GATE Edmonton established an ad hoc Civil Rights Committee to "consider the problem of civil rights and...to prepare a brief directed to the Alberta Legislature at its next sitting" (GATE Minutes, Aug.17, 1972), but no further action can be found on this initiative.

[26] This brief was prepared in conjunction with the National Gay Rights Coalition.

[27] GATE (1976). "Homosexuals: A Minority Without Rights", Brief to the Alberta Human Rights Commission, p. 2.

[28] For no apparent reason, GATE's estimates of bisexual experiences excluded people over the age of 55 in their brief.

[29] GATE (1976). "Homosexuals: A Minority Without Rights", Brief to the Alberta Human Rights Commission, p. 4.

[30] GATE (1976). "Homosexuals: A Minority Without Rights", Brief to the Alberta Human Rights Commission, p. 2.

[31] Douglas Wilson, a graduate student at the University of Saskatchewan, was fired by the university from supervising practice teachers in the public school system after his involvement in the gay rights movement became known; he subsequently launched a provincial human rights complaint and won.

[32] These findings were from a Board of Inquiry investigating a complaint by GATE Vancouver over the refusal of *The Vancouver Sun* to publish a classified ad.

[33] The Ontario Human Rights Commission refused to hear the complaint of John Damien, a steward fired from the Ontario Racing Commission when it was discovered that he was a homosexual. Similarly, the Alberta Human Rights Commission refused to hear the complaint of Gay Information and Resources Calgary against *The Calgary Herald*, for refusing to print a classified ad.

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[34] GATE (1976). "Homosexuals: A Minority Without Rights", Brief to the Alberta Human Rights Commission, p.10.

[35] Sidney Tarrow (1994). p. 87.

[36] Ibid, p. 80.

[37] Lahey, Kathleen (1999). *Are We 'Persons' Yet? Law and Sexuality in Canada.* Toronto: University of Toronto Press, p. 11-14.

[38] GATE (1976). "Homosexuals: A Minority Without Rights", Brief to the Alberta Human Rights Commission, p. 16.

[39] Ironically, GATE's attempts to involve the broader gay and lesbian community in the lobby for civil rights were significantly curtailed due to discrimination and censorship. When GATE submitted an ad to the *Edmonton Journal* newspaper announcing a civil rights meeting, the *Journal* refused to print it, on the basis that it was a "family newspaper" and that it was their responsibility to uphold the "morals of the community". The majority of newspapers across Alberta gave GATE a similar response. The *Calgary Herald*, the *Red Deer Advocate*, and the *Grande Prairie Daily Herald-Tribune* refused GATE when members attempted to place an ad announcing the sale of *The Body Politic* through their office. The only paper to accept the advertisement was the *Lethbridge Herald*, which resulted in numerous orders for the newspaper coming from Taber, Fort MacLeod, Medicine Hat, Lethbridge and Claresholm. As a result, GATE submitted a brief documenting the discrimination and submitted it to the Alberta Press Council, and later proceeded with a complaint with the Alberta Human Rights Commission (GATE Minutes November 11,12, 1976; Feb. 4, 1977; and March 3, 1977).

[40] GATE (1976). "Alberta Civil Rights Progress to Date", Nov. 12.

[41] Ibid.

[42] Doug Young personal notes, Dec.17, 1979.

[43] "Despite Pressure, gov't won't change human rights law", *Edmonton Journal*, May 12, 1978: B1 (no author available).

[44] Ibid.

[45] R.S.Q. 1977, c. -12.

[46] Miriam Smith (1999). *Lesbian and Gay Rights in Canada: Social Movements and Equality-Seeking*, 1971-1995. Toronto: University of Toronto Press, p.143.

[47] Claire McDuff-Oliver (1978). "The 1978 Meeting of the National Gay Rights Coalition", *Communigay*, 3:1.

[48] In 1978 a new organization emerged to further organize political action - the Edmonton Lesbian and Gay Rights Organization (ELGRO), intending to work on "such concerns as gay and lesbian youth, housing and work discrimination, discriminating laws, custody rights for homosexual parents" ("ELRGO", (1978) *Communigay*, No.1, September) . As an organization, however, ELGRO only lasted only a few months.

[49] *Alberta Gays*, May 1979: 2.

[50] *Alberta Gays*, May 1979: 2.

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[51] In 1977 Gallup published a Canadian wide public opinion poll indicating that 52% of Canadians were in favour of protecting the rights of homosexuals, while only 30% opposed it.

[52] Alberta Lesbian and Gay Rights Association (1979). *Brief to the Alberta Human Rights Commission*. August 2, Edmonton, Alberta, p. 10-13.

[53] "ALGRA Petitions", *Gay Calgary*, Gay Information and Resources Newsletter, Oct. 1979:1.

[54] Wendy Koenig, "Gay crusade 'the prelude to trouble'", *Edmonton Journal*, Nov.10, 1979: A1.

[55] In his previous term as a member of the AHRC, Lundrigan had stated that "gays and lesbians do not deserve protection under the Individual's Rights Protection Act" in an interview with CBC Radio (as quoted in *Alberta Report*, Nov. 23, 1979: 29)

[56] Wendy Koenig, "Gay crusade 'the prelude to trouble'", *Edmonton Journal*, Nov. 10, 1979: A2.

[57] Tomas D'Arcy Finn (1993). "Independent Review Agencies and Accountability: Snapping at the Heels of Government?" *Optimum*, Autumn, v. 24, no. 2. p. 15.

[58] Sylvia Bashevkin (1998) *Women on the Defensive: Living Through Conservative Times*. Toronto: University of Toronto Press, p. 234.

[59] Interview with Barry Breau, May 1, 2002.

[60] Denise Harrington (1980). "Assistant Director Quits: Rights Changes Furore" *Edmonton Journal*, Thursday May 15, 1980, A3; Denise Harrington (1980). "Jobs power for Alberta's Women, natives", *Edmonton Journal*, Wednesday May 14, A1,A3.

[61] Denise Harrington (1980). "Rights Changes Furor", *Edmonton Journal*, Thursday May 15, A1; Wendy Koenig and Linda Hughes (1980). "Second Rights Official Resigns", *Edmonton Journal*, July 12, 1980, B1; Douglas Goold (1980). "Human Rights: A Yawning Gulf Between Act and Action", *Edmonton Journal*, Friday, August 15, A6.

[62] Wendy Koenig and Linda Hughes (1980). "Second Rights Official Resigns", *Edmonton Journal*, July 12, B1.

[63] Wendy Koenig (1981) "Human Rights Director Resigns", *Edmonton Journal*, January 6, B1.

[64] Ibid.

[65] "Behind the Image" Canada and the World Backgrounder, March 2001, 66. Issue 5, p. 26-32.

[66] GATE General Meeting Minutes, March 5, 1980.

[67] GATE Minutes, March 4, 1981.

[68] In 1984 the Alberta Human Rights Commission documented a case of an Alberta man who was confronted by his employer about a rumour of him being a homosexual, and was fired when he 'admitted' to being a homosexual. GALA Presentation to Members of the Legislative Assembly, circa 1984-85.

[69] "Rights Need Definition", *Calgary Herald*, Editorial Column, July 30, 1984.

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[70] Agnes Buttner (1985). "GALA Hopes for Legislation to Protect Homosexuals", *Edmonton Journal,* March 13, C6.
[71] Interview with Liz Massiah, May 2, 2002.
[72] Gay and Lesbian Awareness Civil Rights Committee (1985). "Civil Rights and Homosexual People in Alberta", *GATE Newsletter* March 6.
[73] Supporters included: The Alberta Federation of Labour, the Canadian Union of Postal Workers, Letter Carriers Union of Canada, and the Alberta Conference of the United Church of Canada, the Unitarian Church of Canada, the Alberta Status of Women Action Committee, United Nurses of Alberta, and a petition signed by over 100 Edmonton lawyers. "Broad Public Support Demonstrated for Gay and Lesbian Job Rights", GALA Press Release, March 7, 1985.
[74] Correspondence from Janet Kipper, MLA and Chairman, Health and Social Services Caucus Committee to Tom Gale, Gala Civil Rights Committee, March 21, 1985.
[75] Gay and Lesbian Awareness Civil Rights Committee (1985). "Civil Rights and Homosexual People in Alberta", *GATE Newsletter* March 6.
[76] Michael Bronski (1998). *The Pleasure Principle: Sex, Backlash and the Struggle for Gay Freedom*. New York: St. Martin's Press.
[77] Wayne Kondro (1985). "Commission Head Changes", *Calgary Herald,* December 20, A3.
[78] Ibid.
[79] Correspondence from John Lynch, Executive Director, Alberta Human Rights Commission to Elizabeth Massiah and Thomas Edge, January 12, 1987.
[80] Gay and Lesbian Awareness, "Civil Rights Committee Report", circa 1987, p. 1.
[81] GALA Civil Rights Committee Correspondence to Conservative Party Members of the Legislative Assembly, September 18, 1989.
[82] "McCoy leads on gay rights - Editorial", *Calgary Herald*, Tuesday, May 16, 1989.
[83] Sidney Tarrow, (1994). *Power in Movement: Social Movements, Collective Action and Politics.* New York: Cambridge University Press, p. 88.
[84] "McCoy leads on gay rights - Editorial", *Calgary Herald*, Tuesday, May 16, 1989.
[85] "Rights for gays won't be easy", *Calgary Herald*, March 16, 1989, A1 (no author available).
[86] New Democrat MP Reverend Roberts had introduced a bill to add sexual orientation to the Individual's Rights Protection Act in 1987, that was eventually defeated. At the time, the Liberal Party indicated unanimous support for the bill at that time. Correspondence to Terry Cinciruk, Chair of GALA's Civil Rights Committee, from Nick Taylor, MLA for Westlock-Sturgeon, August 31, 1987.
[87] GALA Civil Rights Committee Correspondence to Conservative Party Members of the Legislative Assembly, September 18, 1989.

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[88] Their research found that in Quebec, legislators unanimously passed the amendment to include sexual orientation (with 2 abstentions) in 1977, and 85% of the members were re-elected in the next election. In Ontario, 80% of the members who supported a similar amendment in 1986 were re-elected in 1987, while only 40% who voted against it were re-elected. In Manitoba, an amendment was passed by a vote of 29 to 25 in 1987; in the 1988 election 45% of the members who voted in favour of the amendment were re-elected while 68% who voted against it were re-elected. GALA Civil Rights Committee Correspondence to Conservative Party Members of the Legislative Assembly, September 18, 1989.

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CONCLUSION

This study has documented and analyzed the citizenship development of GLBT people in Alberta over a thirty-year time span. The study has demonstrated how the activism of GLBT people during this time period challenged the firm boundaries constructed by society and the state between what is considered a public issue, and that which is considered a private issue. As well, this study has demonstrated that the successes and failures of GLBT in working toward their citizenship goals have influenced, and have been influenced by the political opportunity structure in Alberta between 1968 and 1998. This concluding chapter will provide some insight regarding the contributions of this study to political science as a discipline, as well as to citizenship theory, social movement theory, and theories of the public/private divide. The conclusion will also assess the impact that thirty years of activism has had on the GLBT social movement in Alberta.

I Contributions of the Study of Political Science

This study makes a number of contributions to the study of political science. First, through its methodological approach, this study enriches political science by highlighting the value of examining a citizenship regime at the sub-national level. While the majority of citizenship studies in Canada and internationally take the nation-state as a point of departure, this study has demonstrated the large degree to which a provincial citizenship regime impacts upon the lives of citizens. As a result, this study demonstrates that analyzing citizenship claims at the provincial level makes a significant contribution to understanding citizenship rights, citizenship claims, and the relationships between social movement actors and the sub-national state that shape those claims and rights.

This study also makes a further contribution to the study of political science in demonstrating the beneficial explanatory value of employing a longitudinal case study at the provincial level. Focusing solely on one province over a significant period of time – thirty years – has allowed this study to provide a much more in-depth analysis of the citizenship issues and the relationships between the state and social movement actors, than would otherwise have been the case. This approach, therefore, leads credence to the 'single case study approach' which is used much less commonly in the study of political science than the more typical comparative case study approach.

Theoretically, this study demonstrates that evaluating and combining certain aspects of diverse theoretical approaches makes a better contribution to political science than simply employing one theory. As this study shows, the exercise of 'testing' three theoretical approaches – citizenship theory, social movement theory and theories of the public/private divide – on a case study that has never been examined before (e.g. GLBT activism in Alberta) demonstrates the strengths and weaknesses of these approaches. This study also demonstrates the degree to which their combined application is useful for understanding the generalities and specificities of a particular social movement in a particular province over a finite period of time in history. This study strengthens the argument, therefore, that 'grand theory' in political science is not universally applicable, and that one theory is not sufficient for a full and rich understanding of case studies. Instead, this study demonstrates that various theoretical approaches should and can be combined according to the case study being analyzed, in order to identify generalities that are useful for comparison with other case studies, while at the same time having the ability to explain the unique aspects or characteristics of a particular case study.

This study also demonstrates that the power of the state (even in 'strong' provincial states) is not consistent across policy areas. While Alberta is perceived as a strong provincial state with limited opportunities for achieving progressive social change and an abhorrence for gays and lesbians, this study demonstrates that under certain circumstances and with a certain amount of agency on behalf of the social movement actors, some GLBT citizenship goals were achieved. The ability of GLBT social movement actors and their allies to achieve some of their policy goals such as HIV/AIDS organizational funding, coverage for sex-reassignment surgery and policy changes for same-sex foster parenting, despite significant overall government opposition to recognizing the citizenship claims of GLBT people, are cases in point to support this argument. This study demonstrates, therefore, that states do not operate coherently across policy areas or between arms of the state – such as the bureaucracy, the political legislature, or the courts.

Finally, this study demonstrates how the work of GLBT theorists can enrich traditional political science by naming those who have been excluded and challenging that which is considered 'political'. Expanding the scope of political science to examine GLBT citizenship, social movement activities and queer conceptions of the public/private divide, demonstrates that political science can in fact be 'queered/queried' from the margins. Political science as a discipline is indeed a big enough tent to explore how marginalized communities such as GLBT people have been excluded and to discuss ways in which their full citizenship can be attained. This study lays out many of the tools – social, political, legal and cultural – which could operate as stepping stones to develop that model of citizenship. In my view, an inclusive politics need not be an elusive concept in political science.

Taken together, this study makes significant methodological and theoretical contributions to political science that enriches and expands the discipline. The next section describes some of the contributions of this study to citizenship theory in particular.

II Contributions of the Study to Citizenship Theory

This study makes a number of contributions to the body of citizenship literature. One contribution that this study makes to citizenship literature is to demonstrate that alongside political, social and legal rights, cultural recognition (or at the very least the removal of its repression or censorship) is a necessary component to citizenship. The case of GLBT people demonstrates that, even if the cultural aspects of a groups' citizenship are not recognized or are indeed repressed, they will continue to flourish and will eventually become intertwined into all other aspects of citizenship – social, political, legal. In the case of GLBT people, this study shows that the ability to create cultural spaces – in terms of bars, dances and social clubs – eventually resulted in the creation of networks and venues for further political activism. In other words, the creation of social and cultural spaces predated political activism for social movement activists in Alberta. This insight demonstrates that in Alberta, a significant pattern of citizenship development emerged, whereby social and cultural elements were required to be present prior to the establishment of political or legal activism. This developmental pattern is supported by the findings of national-level studies on other GLBT movements internationally. What is significant in this study is that the same developmental pattern of citizenship development can be seen at the sub-national level, not just at the national level in Canada.

The cultural struggles documented in this study also demonstrate that the cultural recognition of marginalized communities can be an immensely radical citizenship demand – in some cases even more so than other citizenship rights. This study demonstrates that when the expansion of GLBT cultural practices emerged farther and farther into the public sphere, they elicited significant and often vitriolic opposition from the provincial government and other elements of society. In particular, Gay Pride, lesbian performance art, and studies of gay life in Alberta all faced opposition from parts of the state and society in Alberta. These cultural demands and/or practices significantly challenged established conceptions of 'moral' and 'immoral' sexuality, and the rigidly-patrolled boundaries between the public and private spheres. In general, therefore, the cultural citizenship demands posed by GLBT people in Alberta, and the responses to those demands, demonstrate how radical cultural challenges can be to traditional concepts of citizenship and to the state.

In general, therefore, this study challenges the traditional notions of culture and cultural inclusion into the domain of citizenship. While this study affirms the need for inclusion of culture into full citizenship, it also demonstrates that the inclusion of culture in citizenship is broader than just the recognition of national and ethnically-based cultures, as identified previously in this study by Will Kymlicka and Wayne Norman, and others. In the Canadian context, therefore, substantive citizenship for GLBT people requires recognizing not just Aboriginal or Quebecois/Quebecoise nationalism, or traditional multicultural communities, but also requires recognition of GLBT culture. This study has demonstrated how the sexual and gendered identities of GLBT people have shaped the formation of GLBT culture, and how in turn, these cultural practices have been intertwined with their citizenship practices and citizenship claims. A new understanding of culture and citizenship must be developed therefore, that incorporates GLBT culture.

The third contribution that this study makes to citizenship theory is to demonstrate that informal political activity is a necessary part of citizenship, especially for those citizens who face discrimination if they attempt to employ their formal political citizenship rights, such as running for office. This study demonstrates that in Alberta, GLBT people engaged in social movement organizing when trying to obtain or improve upon their social, cultural or legal citizenship rights. When GLBT people were denied legal rights – in terms of state protection from discrimination – they actively mobilized for over twenty years to achieve those legal rights. Political mobilization was also important in many other public policy issues examined in this study, such as foster parenting, censorship of GLBT cultural expressions, and funding for HIV/AIDS organizations in the province. In many cases, these informal political activities were integral in securing the citizenship rights that GLBT people sought.

Relatedly, this study also demonstrates that the method of informal political activities used by social movement activists has an impact on the attainment of citizenship rights. In particular, the political storytelling methods used by GLBT activists in front of legislative committees, and with members of the legislature and the public, demonstrate that these methods can be an effective method of trying to construct one's citizenship and to impact the substance of one's rights. However, this study also shows that political storytelling is most successful when the listener is open to hearing and believing one's stories – which in the case of GLBT people, legislators were often not open to doing.

Finally, this study also demonstrates that both the form and the interaction of the structures of the state impact the citizenship rights available to its citizens, and the strategies employed to achieve those rights. In particular, federalism, and citizenship within a federal nation-state is significantly impacted through the interaction of citizenship regimes at the both national and sub-national levels. Feminist political scientists have argued that federalism affects marginalized constituencies in Canada, and have demonstrated how women have often sought out assistance from one level of government or another to achieve their citizenship goals. This study confirms and in fact expands upon this analysis of federalism, to argue that the structures of federalism (federal and provincial) also *interact* to impact upon the citizenship rights of marginalized constituencies. For example, this study has shown that the interaction of national and provincial structures, such as legislation (the decriminalization of homosexuality, the introduction of the *Canadian*

Charter of Rights and Freedoms and the provincial *Individual's Rights Protection Act* in Alberta) as well as the interpretation by judicial courts of legislation (the Supreme Court of Canada and the provincial Court of Queen's Bench in Alberta) have combined to help or hinder GLBT social movement activists to achieve their citizenship goals. At one point in time, the Alberta Human Rights Commission and the Canadian Human Rights Commission both failed to assist a gay Albertan from achieving legal citizenship rights attained through anti-discrimination protection. The combined effect of the failure on the part of both the federal and provincial structures to address legal citizenship rights for gays and lesbians resulted in a significant change in direction of the provincial GLBT movement in Alberta. Activists began to shift their energies from political/bureaucratic strategies to a more refined legal strategy which instead prioritized engagement with the courts.

III Contributions of the Study to Social Movement Theory

In an age of globalization, states are often seen to be decreasing in relevance as social movements rise in prominence in their roles as influencers of policy and mobilizers of citizens, especially in the international context. Transnational social movements, including movements for gay and lesbian rights, have emerged to strengthen international appeal for gay and lesbian rights across the globe. More generally, some theorists have begun to argue for a cosmopolitan citizenship, in which the human rights of global citizens surpass both the limitations of the nation-state and of territoriality.[1] In this view, citizenship becomes a global phenomenon, in which citizens can enjoy multiple citizenships (local, national, global, etc.), by participating in those political communities that affect them in a meaningful way. Global social movements and international non-governmental organizations make up a global network of civil society organizations that serve to represent individuals on global issues, thereby enhancing global democracy.

While theorists of cosmopolitan citizenship can be lauded for their appeal for universal human rights and inclusive democratic practices, this approach does not sufficiently address the role of territory or the nation-state in its application. This study of the GLBT movement in Alberta demonstrates that the interaction and struggle between social movement actors and the state is one of the main forces driving the achievement of citizenship goals. The participation of nation-states, and sub-national states, in the development of citizenship rights cannot be ignored. Similarly, while human rights issues often have international application, nevertheless, the appearance and resolution of those human rights issues must always include an analysis of the national and sub-national specificities that frame them. Place, in other words, matters. For example, some theorists have demonstrated that country-specific differences need to be taken into account when studying and explaining gay and lesbian movements.[2] Similarly, this study demonstrates that this argument must be extended to movements within nations; that social movements have geographically, politically and culturally-specific elements to them that require attention to the local. Sub-national elements, therefore, have an impact on the citizenship claims and the relationships between the movement and the sub-national state.

Another important contribution that this study makes to social movement theory is to demonstrate that circumstances for achieving social change (in this case conceptualized as the political opportunity structure) is a mutually constitutive relationship between social movement actors and the state. While other social movement theorists have for the most part conceived as the state as the main actor structuring social movements, this study demonstrates the agency of social movement actors to effect social change, instead of only being viewed as passively accepting and/or working within the opportunities presented by the state. This study demonstrates that in Alberta, this co-constitutive relationship between the state and social movement actors has had an impact on both the successes and failures of GLBT citizenship goals. While the state has maintained a hegemony of power in terms of the structural relationship, nevertheless, the agency of GLBT actors have had an impact on both the opportunities and choices of state actors, as well as the political opportunity structure in Alberta as a whole. Even in strong states that resist progressive social change, such as found in the province of Alberta, this study demonstrates that a co-constitutive relationship developed between GLBT social movement actors, their allies and the state, and had a significant impact on the achievement of GLBT public policy goals.

A third important contribution that this study makes to social movement theory is to demonstrate that more than one citizenship variable is necessary for explaining and understanding social change. While most social movement theorists apply one variable – political, legal, social or cultural, this study demonstrates that the successful attainment of citizenship claims often can only be explained by using more than one 'type' of variable. This study in fact uses all four variables to explain changes in the political opportunity structure that influenced the attainment of GLBT citizenship goals, as elaborated upon below.

Social Factors

Social factors, such as conservative Christianity and urban/rural cleavages have had a significant, and for the most part, debilatory impact on the political opportunity structure in Alberta. While Christian conservativism has always impacted political opportunities in Alberta, the right-wing Christian backlash that emerged in the late 1970s and swelled into the 1980s and 1990s in Alberta constricted the opportunities available to GLBT social movement activists. While the backlash initially began in the 1970s with an American impetus – Anita Bryant – it crystallized in the 1990s with homegrown Conservative Christians elected to the provincial legislature, such as Stockwell Day and Victor Doerkson. Attempts by

Christian Members of the Legislative Assembly to censor lesbian performance artists *Kiss and Tell*, and the study grant to the Red Deer and District Museum demonstrate the lengths to which they were determined to go to repress expressions of homosexuality in Alberta. Despite being integrated into the formal political structures of the provincial state, the 'pacification' of right-wing Christians did not result in an opening of the political opportunity structure for GLBT social movement activists. Instead, it significantly reduced their opportunities for achieving progressive social change.

Similarly, this study demonstrates that the urban/rural cleavage also hindered the political opportunity structure for GLBT people during the time period studied. The institutionalization and pacification of the interests of rural voters did not provide increased 'space' for new social movements to place their issues on the public agenda. Instead, the case of GLBT citizenship claims demonstrates that the opposite occurred, in that the rural influence actually hindered the acceptance of their claims in the political arena. Specifically, GLBT activists argue that the rural vote was responsible for the continual refusal of elected officials to include sexual orientation in the *Individual's Rights Protection Act* throughout the 1970s, 1980s and 1990s. Throughout the entire period studied, therefore, the rural/urban and religious cleavages significantly hindered the political opportunity structure for GLBT activists in Alberta.

Political Factors

This study also demonstrates that political factors, such as electoral changes, supportive allies and access to power through legislative committees, all impacted the political opportunity structure in the province over time. At times, these factors have improved the opportunity structure and made it easier to achieve GLBT citizenship goals, and at times they have constricted it, making it difficult or impossible to achieve the desired goals. While the election results in the 1970s and late 1980s offered opportunities for GLBT movement activists, the rise of neo-liberalism in the 1990s constricted the manoeuvrability of social movement actors to achieve many of their GLBT citizenship goals. And, although gay and lesbian activists actively used the legislative committee structure in the 1980s to garner both public and political support for inclusion of sexual orientation into the IRPA, the structure of the committee system, and the control of the ruling Conservative party on committee decision-making impeded the attainment of this policy change. Nevertheless, the lobbying work done by activists within the committee structure did result in consistently increased access to more influential decision-making bodies over the years. Finally, the support of influential medical allies affected the political opportunity structure in Alberta by encouraging the state to address two important public policy issues in the 1980s and the 1990s: health care for those with HIV/AIDS and sex reassignment surgery for transgender citizens. These allies lobbied alongside GLBT movement activists, providing much-needed support and the medical authority necessary to convince the provincial state to provide health care services for citizens in need.

Legal Factors

Third, this study demonstrates that legal factors, such as the abolishment of old laws (decriminalization of homosexuality), the introduction of new laws (the *IRPA*), and an amendment to the Constitution (adding the *Canadian Charter of Rights and Freedoms*), have all positively impacted the political opportunity structure. While decriminalization and the introduction of the *Individual's Rights Protection Act* were enacted with little input from GLBT activists, the addition of sexual orientation into both the IRPA and the Charter were actively pursued by gay and lesbian social movement actors.

In the 1990s, and after many years of non-cooperation from provincial politicians, GLBT activists shifted their focus away from the legislature to the courts with the case of Delwin Vriend. During that decade, legal action as a tool of social change rose to prominence for GLBT activists in the province. The government of Alberta, however, continued to maintain that discrimination against gays and lesbians did not exist, and accordingly, it was not required to provide protection. As a result, the ongoing conflict that had been occurring between the Alberta Human Rights Commission and the Conservative Caucus over 'who decides' which citizen identities deserved state protection from discrimination diminished. Instead, the conflict over these meaning frames emerged between the courts and the provincial government, and the province of Alberta attempted to frame the issue as one of judicial vs. legislative supremacy. When the Supreme Court read sexual orientation into the *Individual's Rights Protection Act* in 1998, it rejected the province's construction of itself as the sole arbiter of human rights, and instead reaffirmed the supremacy of the Canadian Constitution as having the final word. The authority to override the Constitution – Section 33 – was not exercised by the provincial government to limit the decision taken by the Supreme Court of Canada. As a result, in 1998 gay and lesbian Albertans achieved their long sought after goal of protection from discrimination for their sexual identities. The case of Delwin Vriend demonstrates how a lack of political opportunities will lead activists to pursue legal avenues – and in this case successfully – when political avenues remain closed.

Cultural Factors

Finally, this study has demonstrated that cultural framing is a tool that can (sometimes) be used successfully by social movement actors to achieve their citizenship goals, especially when those goals are linked to challenging the construction of the public/private divide. In particular, this study demonstrates that struggles over cultural meanings, such as 'homosexuality', 'traditional family', 'bureaucratic/legislative/judicial authority', and the 'public/private divide', are as important to citizenship as legal, social and political rights. This study has demonstrated how struggles over cultural framing and the meaning of homosexuality, as well as the place of homosexual sex in the public sphere played out over these three decades. GLBT activists used the cultural meaning frame of 'equal rights' to describe their citizenship claims and challenge their relegation to the 'private sphere', while at the same time promoting the libertarian argument that there were certain spaces that the state had no business legislating or monitoring, such as bathhouses, cruising areas and cultural arenas.

Cultural framing was used by both the state and the GBLT movement to mobilize support for their respective positions on the acceptability of GLBT sexual practices in the 1970s and 1980s, as well as GLBT cultural expressions in the more 'mainstream' public sphere in the 1990s. GLBT activists did not always succeed in re-defining cultural meaning frames of homosexuality from negative to positive associations. They did, however, succeed in challenging and sometimes changing state decision-making when conflict was framed in terms of censorship, as demonstrated with Kiss and Tell and the study of gay life, or freedom from state interference, as occurred in the bathhouse raids. As a result of the successful use of cultural meaning frames, GLBT social movement actors mobilized a significant number of allies on a broad range of cultural issues, therefore creating openings in the political opportunity structure to make social change.

IV Implications of GLBT Citizenship Claims for the Construction of the Public/Private Divide

To date, the majority of studies challenging the construction of the public/private divide have come from feminist theorists, who have effectively demonstrated the harmful consequences of these constructions on women's lives. These theorists have shown how the participation of women in the 'public sphere' has been severely limited due to patriarchal assumptions associating women with the private sphere matters of 'the family', emotionality, and/or bodily functions. As a result, women have been found to be unfit for participation in public-sphere activities. This study demonstrates that the patriarchal constructions of the public and private spheres are also homophobic, or at best heterosexist, in that they also keep gays and lesbians out of public-sphere activities. As demonstrated in the study, social strictures have historically prevented gays and lesbians from participating in public life in Alberta an open and honest manner. Moreover, this study demonstrates that patriarchal and homophobic constructions of the public sphere by members of the legislature and certain segments of Alberta's society consistently prevented many GLBT citizenship claims from ever seeing the light of the legislature by defining them as purely 'private' matters. For decades this construction of the public/private divide was not significantly challenged by citizens outside of GLBT circles. This study demonstrates, therefore, how easily the public/private divide can be constructed by the state to ignore GLBT citizenship claims and/or to prevent GLBT citizens from participating in public life.

This study of the struggle for GLBT citizenship claims in Alberta also demonstrates that the boundaries separating the public and private spheres are socially constructed, are influenced by ideology, and change over time. GLBT cultural challenges to the public/private divide became progressively more insistent and more visible as the decades progressed from the late 1960s to the late 1990s. As a result of these challenges, conflict between GLBT people and different arms of the state emerged in response to these challenges to the public/private divide. In particular, the conflicts between different parts of the state and GLBT activists over the meaning frames of certain citizenship claims shifted the divide between what was considered a public matter, and what was considered a private matter.

Initially, the police provided the most resistance to GLBT sexuality and cultural practices. The establishment of gay bars provided one avenue for the simultaneously public and private emergence of GLBT culture in Alberta. On the cusp and after the decriminalization of homosexuality, gay bars and bathhouses in both Edmonton and Calgary emerged as the main social and political spaces where GLBT people could meet. In response, the police attempt to perpetuate the cultural beliefs that gay men were sleazy and dirty, justifying their continual harassment of gay men and their spaces into the 1980s. As homosexuality became less of a criminal matter and became viewed as more of a moral issue in the 1990s, elected officials became much more involved in attempting to regulate the appearance of GLBT sexuality. Censorship of gay and lesbian sexuality by Conservative Members of the Legislative Assembly, as well as their vigorous attempts to prevent both the extension of anti-discrimination protection and the recognition of same-sex families characterized the 1990s.

The homophobic backlash vocalized in public after the Vriend decision demonstrated the degree to which a vocal minority of Albertans resisted allowing the introduction of gay and lesbian legal rights into the public sphere. For these people, gays and lesbians were still viewed as sick or sinful, and should therefore be required to keep their practices in the private sphere and not demand protection from discrimination in the public arena. The hatred demonstrated toward gays and lesbians on radio call-in shows, in the newspapers and by private mail to public figures shows the degree to which certain Albertans wanted to maintain the firm distinction between the private actions of a citizen and the public requirements of the state.

Other issues also demonstrate how GLBT citizenship claims shifted the boundary between the private and public spheres. The support of medical allies, and the construction of new cultural meaning frames by medical professionals for gay men with HIV/AIDS, is one example. Public conceptions of HIV and AIDS started shifting from that of an immoral private sphere issue, to that of public responsibility for those affected by the disease, as a result of support from medical allies. These changes began shifting the boundary between the public and private divide to accommodate GLBT citizenship goals around HIV/AIDS.

For other issues, however, GLBT activists were less successful in challenging meaning frames around 'homosexuality' and 'traditional family'. The case of Ms. T. brought the issue of same-sex foster parenting into public discourse, but the refusal of the Conservative government to have a debate and make a policy decision on the issue resulted in shoving the issue back into the private sphere and off of the public agenda. This struggle over social welfare policy, and the lengths that Ms. T had to go to in order to maintain her status quo as a foster parent, also demonstrates how the denial of social welfare provision on the basis of sexual identity results in a denial of substantive citizenship for GLBT people. While in the end Ms.T was able to continue fostering, no formal policy was forthcoming allowing other gays and lesbians to do the same. The result was only a partial victory for Ms. T and same-sex foster parenting in Alberta.

Similarly, as gay and lesbian activists emerged to claim their human rights in the public sphere, Conservative Caucus members consistently refused to acknowledge their human rights as a public policy issue. In doing so, the government attempted to create a cultural meaning frame that constructed the Conservative Caucus as the sole decision-making authority on human rights in the province, which rejected homosexuality as a valid basis for protection from discrimination. Therefore, despite the opening in political opportunities provided for by the public support of human rights in the province, and the support of the Alberta Human Rights Commission, other factors – such as the creation of meaning frames around government power and homosexuality – prevented GLBT activists from achieving their goals through political arenas.

These citizenship claims demonstrate how GLBT activists have struggled with the state to challenge the boundaries constructed between the 'public' and 'private' domains. While GLBT activists succeeded in some cases and failed in some cases in seeing their citizenship claims become public policy, nevertheless, the public struggles themselves all challenged the notion that homosexuality must remain a private sphere issue. These struggles also demonstrate that the boundary itself between the public and private is a social construction, which changes over time, and is influenced by ideology.

V Impact of Thirty Years of Activism on the GLBT Social Movement in Alberta

Despite living in a province with few political opportunities for change and experiencing consistent discrimination against them, throughout the three decades studied GLBT activists were always quite hopeful that their goals would be achieved. Unlike GLBT activists in other provinces in Canada, GLBT people in Alberta actually expected to achieve political and legal change as early as the 1970s. The hearings of the Alberta Human Rights Commission throughout the 1970s offered opportunities to change the *Individual's Rights Protection Act* - opportunities that gay and lesbian activists in Alberta acted upon with vigour. However, the ideological climate of both society and legislators in the 1970s prevented such changes from being implemented.

In the 1980s, the violent actions of police forces to repress gay sexuality in both Edmonton and Calgary left many members of GLBT communities feeling as if they could not trust the state. As a result, in the 1980s many gay and lesbian organizers turned away from lobbying, presenting briefs, and engaging with the state to achieve their rights. Instead, many individuals found hope in building their cultural communities and developing social and recreational community organizations. When HIV/AIDS hit in that same decade, activists picked up where others had left off, and began to both lobby the provincial government for health care funding, and began taking care of the dying members of their communities.

Even in the darkest days of the HIV/AIDS crisis in Alberta, activists found hope in community. While the devastating impact of HIV/AIDS cannot be emphasized enough, nevertheless the effects of mobilizing around AIDS changed the broader gay and lesbian movement in Alberta in a beneficial way. While sex - anonymous and otherwise - had always been a part of the GLBT culture, now members also explicitly learned how to love and to care for others in their communities as well. An ethic of care and responsibility for members of their communities developed in a manner that had not previously existed. When the state failed to assist the sick and dying members of the GLBT community affected by HIV/AIDS, community members stepped in to ensure that they were housed, fed and that their health care needs were met. The early HIV/AIDS hospices would not have been created nor survived without the fundraising and volunteer efforts of members of the GLBT communities.

Thirty years of organizing politically for social, cultural and legal GLBT citizenship claims has strengthened community ties and brought more people out of the closet. The establishment of Pride festivities in communities around the province, and the mobilization of citizens in support of the Red Deer and District Museum, Ms. T., *Kiss and Tell,* the *IRPA*, the Pisces Raid, and in many other cases, have all enhanced the visibility and strength of GLBT communities in Alberta. As well, achieving certain citizenship rights – as demonstrated by the prolonged struggle for inclusion of sexual orientation into the IRPA – has positively impacted the citizenship identity and feelings of belonging toward the province of Alberta by GLBT people. Despite the fact that the provincial government actively resisted the inclusion of the sexual and gendered identities into most public policy decisions in Alberta, when public policy began to include GLBT people, they began to feel more a part of the civic culture of the province. Activists who lobbied many years for including sexual orientation into the IRPA identified feeling a sense of belonging to the province when sexual orientation was read into the *Canadian Charter of Rights and Freedoms*. The extension of legal citizenship rights, therefore, even if achieved by coercion into the provincial laws, had the effect of increasing the sense of belonging by gay and lesbian citizens.

Nevertheless, while GLBT community members have pulled together to fight for certain citizenship rights, the citizenship claims of some GLBT people emerged later and remain more fragile and contentious. Rights for transgender individuals, for example, are more recent and have elicited less support from the GLBT community in Alberta, while also garnering less public controversy than rights for gays and lesbians. The medicalization of the needs of transgender people have contributed to the increased dependency of transgender individuals upon the medical community for citizenship services and rights. As gays and lesbians become more and more integrated into mainstream society with the achievement of their citizenship claims in Alberta, the community would be well-served to continue to assist transgender citizens to achieve their political, social, legal and cultural citizenship rights as well.

VI Conclusion

This study has demonstrated that the gay, lesbian, bisexual and transgender communities in Alberta have been an active part of the province's history for many decades. The study has also attempted to provide the GLBT communities in Alberta a part of their rich and diverse history, and to show how their beliefs, actions, successes and failures have all impacted the development of Alberta's social and political fabric. In reclaiming this history, we bring closer to the centre those citizens who, for reasons of their sexuality or their gendered identities, were previously relegated to the margins through a dialectic of silence and shame.

Notes to Conclusion

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[1] For further discussion of cosmopolitan citizenship see for example: David Held (1995). *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance.* Cambridge: Polity; Robin Cohen and Shirin M. Rai (2000) *Global Social Movements.* London and New Jersey: The Athalone Press; Elizabeth Povinelli and George Chauncey (1999). "Thinking Sexuality Transnationally", *Gay and Lesbian Quarterly,* 5:4, pp. 439-450; David Chandler (2003) "New Rights for Old? Cosmopolitan Citizenship and the Critique of State Sovereignty", *Political Studies*, Vol. 51. pp. 332-349; Manuela Mesa (2003). "Educating for Global Citizenship and Cosmopolitan Democracy", Educar para la ciudadanía y la participación. De lo local a lo global, Centro de investigación para la paz.

[2] See for example Barry Adam, Jan Willem Duyvendak and Andre Krouwel (eds) (1999). *The Emergence of Gay and Lesbian Politics: National Imprints of a Worldwide Movement.* Philadelphia: Temple University Press for their analysis of the gay and lesbian movements in fourteen countries around the globe.

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Appendix One

List of Interviewees

Interviewee	Date of Interview
Baker, Christine Telephone Interview, Calgary, AB	August 13, 2002
Bidwell, Charles Personal Interview, Edmonton, AB	May 7, 2002
Billett, Murray Personal Interview, Edmonton, AB	March 27, 2002
Breau, Barry Personal Interview, Edmonton, AB	May 1 and 8, 2002
Daniels, Dayna Telephone Interview, Lethbridge, AB,	August 5, 2002
Filax, Gloria Personal Interview, Edmonton, AB	June 18, 2002
Gutwin, Catherine Personal Interview, Edmonton, AB	June 18, 2002
Gregory, Richard Personal Interview, Calgary, AB	June 6, 2002
Hagen, Darrin Personal Interview, Edmonton, AB	July 9, 2002
Krause, Pam Personal Interview, Calgary, AB	May 14, 2002
Lloyd, Julie Personal Interview, Edmonton, AB	May 9, 2002
Lock, Stephen Personal Interview, Calgary, AB	May 16, 2002
Martindale, Wendy Personal Interview, Red Deer, AB	August 6, 2002

Massiah, Elizabeth Personal Interview, Edmonton, AB,	May 2, 2002
Miller, Nancy Personal Interview, Calgary, AB	May 14, 2002
Miller, Val Personal Interview, Red Deer, AB	August 6, 2002
Pellerin, Gordon Personal Interview, Edmonton, AB	August 3, 2002
Phair, Michael Personal Interview, Edmonton, AB	April 12, 2002
Smith, Mair Email Correspondence	June 17, 2002
Wald, Tanya Telephone Interview, Grande Prairie, AB	April 25, 2002
Warneke, Dr. Lorne Personal Interview, Edmonton, AB	July 19, 2002
Wilson, Mickey Personal Interview, Edmonton, AB	May 6, 2002
Cindi Smith[i] Personal Interview, Ottawa, ON	February 23, 2003

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[i] A pseudonym